

Policy Pennings by Daryll E. Ray & Harwood D. Schaffer

# Industries being regulated have friends in high places

The revolving door between government regulatory agencies and the industries they regulate has long been a public policy concern. On the one hand industry groups argue that it is important that regulatory agencies have access to the expertise that people obtain while they work in the industry they regulate. On the other hand, public advocacy groups express concern that such a cozy relationship between the two are likely to result in agencies giving undue deference to the desires of the industry they regulate.

All one has to do is to look at the agencies regulating Wall Street and the financial sector, the Minerals Management Agency, and the Mine Safety and Health Administration to see why the public is concerned that those working for the agencies are either coming from industry to do their bidding or looking for the opportunity to land a good industry job after they leave their regulatory or inspection agency.

One of the concerns dealt with in the report of the Union of Concerned Scientists (UCS), "Driving the Fox from the Henhouse," is the issue of the revolving door between the agencies that regulate food safety and the industries they regulate.

With regard to concerns about political appointees, those responding to the UCS survey were "asked whether the presence of top agency decision makers who have come from the food or agriculture industry 'inappropriately influences the decisions made by the agency.'" The largest number of respondents (43 percent) said they were undecided. Slightly more respondents agreed with the statement of inappropriate influence (31 percent) than disagreed (26 percent).

Industry groups will find support in the near balance of those who agreed and disagreed with the assertion that "the presence of top FSIS/FDA decision makers who come from the food or agriculture industry inappropriately influences the decisions made by the agency." At the same time, food safety watchdog groups will argue the fact that nearly one-third of those who responded to the survey felt there was inappropriate influence is cause for concern.

To us the fact that over 500 respondents indicated they felt that top-level decision makers who came from industry improperly influenced agency decisions represents a problem. When it comes to food safety, one would hope that agency codes of conduct would be so clear that those who disagreed with the statement on inappropriate influence would strongly outnumber those who agreed.

One of the things that suggests the reliability of these percentages is that "in their opinions about political and corporate interference in agency actions, survey responses from individuals with industry experience were virtually identical to those without industry experience." It should be noted that "top agency decision makers," whether from industry or other sectors, were not included in the survey.

"Among survey respondents from FSIS [US Department of Agriculture (USDA), Food Safety Inspection Service], a majority (51 percent) had previously worked for "a food producer, processor, distributor, or trade organization." That percentage was 20 percent at the FDA [Department of Health and Human Services, Food and Drug Administration] and 10 percent at the ARS [USDA, Agricultural Research Service]. Among respondents who had been in industry, around half had been there for more than five years, although a majority (65 percent) had worked longer at their agency than for industry."

"A series of questions explored individuals' confidence in the safety of various classes of foods. All recipients were asked to rate the safety of imported foods, USDA recipients were asked about meat and poultry, and FDA recipients were asked about eggs, seafood, fruits, vegetables, and processed foods. Respondents rated their confidence in the safety of each food category as 'Completely confident,' 'Mostly confident,' 'Somewhat confident,' 'Not at all confident,' or 'Don't know.'

- "Both FDA and USDA respondents rated the safety of imported foods lower than the safety of the other categories. Only 35 percent of respondents were completely or mostly confident in the safety of imported foods, while 21 percent were not at all confident.
- "Only 45 percent of FDA respondents were completely or mostly confident in the safety of fruits and vegetables, with 10 percent expressing no confidence.
- "Seafood and eggs fared slightly better, with 49 and 50 percent of FDA respondents respectively reporting they were completely or mostly confident in the safety of both categories. Five and 10 percent of FDA respondents respectively reported that they were not at all confident in these

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Originally published in *MidAmerica Farmer Grower*, Vol. 30, No. 44, October 29, 2010  
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food categories.

- “Processed foods received the highest marks among FDA respondents, with 62 percent reporting that they were completely or mostly confident in processed food safety and only 6 percent reporting that they were not at all confident.

“Meat and poultry received a vote of confidence from USDA respondents, with 75 percent reporting that they were completely or mostly confident in these foods' safety and only 5 percent reporting that they were not at all confident.”

With regard to a question about the impact of consolidating all food safety activities into a single agency, those who said such an action would improve food safety (41 percent) outnumbered those who felt it would worsen food safety activities (25 percent).

“By a margin of 71 percent to 5 percent, survey respondents said that 'requiring each food production facility to conduct a science-based hazard analysis and implement preventive controls' would improve rather than worsen food safety. This outcome appears to

support an HACCP-based food safety system, which has been controversial.”

Similarly a large percentage (75 percent vs. 3 percent) said “increasing the frequency of food safety inspections conducted by the FDA' would improve rather than worsen food safety.” A similar margin of respondents (73 percent to 3 percent) favored a comprehensive system to “trace food products through the production and distribution system.”

Likewise, “by a margin of 70 percent to 2 percent, survey respondents said that 'establishing strong whistleblower protections for private or public employees who report problems affecting the food supply' would improve rather than worsen food safety.”

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