

Freeing the Food and Drug Administration

Amitai Etzioni

Suggestions that the role of government be reduced have had a certain popularity for many years. Now, with the recent adoption of plans for the transformation of the Post Office Department, a model may have been developed for possible application elsewhere. With regard to the Food and Drug Administration, the subject of the following article, the author's purpose is to stimulate thought regarding the scope of our governmental web, rather than to outline changes that might be introduced immediately.

A quick remedy for the ailments of the United States Food and Drug Administration might be the one already prescribed—for the United States Post Office. The Nixon Administration has now succeeded in advancing a plan for taking the Post Office out of the government maze and turning it into a public corporation. Similarly, the F.D.A. could be freed from intensive political meddling, extensive bureaucratic entanglements, and the threat of appropriation squeezes common to government agencies and transformed, by an act of Congress, into a public corporation. In this sense it would be similar to the British Broadcasting Corporation, or the new organization which operates the city hospitals of New York City as of July 1, 1970.

The Food and Drug Testing Corporation (F.D.T.C.), as the liberated F.D.A. might be called, would be run by a group of trustees appointed, either for long terms or for life, by the President after he has consulted with representatives of the scientific community, consumer interests, labor unions, and the National Science Foundation. These appointments would also be reviewed by relevant committees of Congress, much in the same way appointments to regulatory commissions are being reviewed. Trustees should be selected from among those public figures who are committed to the protection of the public health and who have the interests of the con-

sumers at heart. Retired scientists (e.g., I. I. Rabi, Nobel Prize winner in physics), elder statesmen of the labor movements (e.g., George Meany), and activists in the consumerism movement (e.g., Betty Furness) should be drawn upon for the F.D.T.C.

A "political" agency?

The upper levels of F.D.A.'s bureaucrats have recently been called highly "political." It is said that they are anxious not to "make waves" and that they edit, bend, or censor scientific findings (such as discoveries about the effects of toxic food additives) so as not to challenge existing policies—policies that damage consumers and scientific needs.¹

While it is too early to determine whether all the specific charges against the existing F.D.A. bureaucracy are valid, even the top echelons at F.D.A. are not denying the validity of all of them. More important, the pressure from the top in government agencies is typically such that in the higher reaches, political considerations take priority. It would be extremely surprising if somehow the F.D.A. were an exception. Nor is it inappropriate for most government agencies to respond to political considerations—i.e., in giving priority to the judgment of elected officials (of Congressmen or the President and his appointees) over those of lower-ranking bureaucrats or even experts. But new reports show that the F.D.A., which combines applied research with the issuing of licenses to market new drugs or foods, cannot function effectively in the traditional government context—especially as it must be potentially able to frustrate politically powerful corporations.

¹ These allegations were made, and quite effectively documented, in a report by a student task force guided by Ralph Nader. The report, *The Chemical Feast*, was recently published by James S. Turner. Similar allegations were made by Dr. Howard L. Richardson, chief pathologist in the F.D.A.'s own Bureau of Science.

Dr. Etzioni is chairman of the Department of Sociology at Columbia University and director of the Center for Policy Research. His most recent book is The Active Society (New York City, The Free Press, 1968).

The operation of the F.D.A. requires, I believe, more protection from political pressures than the missions of most other government agencies (even more so than those agencies which conduct basic research, such as the National Institute of Mental Health, because their findings only rarely affect vested interests).

Social scientists, who tend to see in organizational structures an important force, will watch with fascination the higher-ranking bureaucrats of F.D.A. if it becomes autonomous. If the agency had a new structure freed of Federal and Congressional politics, would these bureaucrats do a flip-flop and become truly responsive to their mandate and their new bosses, the trustees, or would they be so habit-bound and industry-linked that they will have to be replaced by a new breed of executives who never knew the timid, compliant, "political" F.D.A.?

The most difficult problem, perhaps, is how the F.D.T.C. would be financed. The difficulty arises mostly from our being locked into the obsolescent concept of a government (usually referred to as "public") sector versus a private sector. Only now are we beginning to develop the concepts relevant to a nongovernmental public sector. Actually, there has been an increase in "mixes" of government and private corporate systems to make various kinds of public service bodies such as the student loan system (carried out by private banks, but underwritten by the government), Project Apollo (financed and supervised by NASA, but carried out by a nationwide mix of private corporations, universities, and government agencies), and many others. Nor is it unknown for the taxpayers to provide support for research carried out in semi-public institutions, which, in effect, Columbia, Harvard, the University of Chicago, and M.I.T. are.

Endowed by Congress

What is needed in the case of F.D.A. is the logical next step, albeit a sizable one: namely, that Congress endow a public corporation so it can finance its activities from investment of the endowment, without eating into it. Traditionally, Congress has been loath to weaken its control by giving up its right to make annual appropriations and reviews. Although, in effect, multiple-year commitments have been and are being made, Congress has never endowed an institution. Even such an Establishment favorite as the Smithsonian has to ask for its annual allotment.

While the F.D.T.C. might get along if its budget were assured for X number of years, the reason endowment is more desirable is precisely the one that makes Congress so reluctant to endow: F.D.T.C. would thus

be freed from partisan politics and the pressures Congressional committees and individual members of Congress exert on those agencies following policies out of line with the wishes of lobbyists. Only through public agitation, the concern of the electorate, and pressure from labor unions, following the recent revelations about toxic food additives, licensing of unsafe drugs, delay of reports on the effect of cyclamates, can one expect Congress to be seriously pressed to consider making F.D.A. free by giving it a sound financial autonomy. (Maybe a compromise of X years assured budget could be worked out to experiment with this new concept.)

It is well to indicate in passing that Congressional endowments are also called for in other areas, such as the financing of the regional research laboratories and those universities that serve the nation more than they do a particular state or city, and that are now in a state of deep financial crisis (e.g., Columbia, Harvard). The more "business" of our society requires public support, and the more it includes scientific and professional work, the more important it becomes that we evolve new ways of finance (and accountability) for these bodies.

There is another "principle" one may wish to apply here: If we are to free resources for urgent social matters, such as improvement of schools, anti-poverty drives, and depollution, we must—when practical—charge affluent users at least part of the cost of the public systems they are using. Thus, all state and city universities ought to charge some tuition fees, scaled to income and used to provide support to poor students. The F.D.T.C. should charge a fee from all industries which apply for certification of their product. The fee might be relatively small, so that the F.D.T.C. would not have to depend on business for its income, but would, in accumulation of thousands and thousands of tests a year, cover part of its costs.

A conservative social prescription

The transformation of F.D.A. from a government agency into a public corporation will not solve all its problems overnight. It may still have to compete with private industry and universities for quality scientific manpower (although being able to pay non-government salaries and having increased autonomy may help). No doubt industry will continue to attempt to "pressure" scientists or officials—especially by offering them top jobs once they leave F.D.A. But most of these problems exist now, and it is hard to see how they would not be significantly reduced if F.D.A. were cut off from the government.

The conservative majority in the Congress, the Re-

publican Party and its spokesman in the White House, all have an elaborate ideology in favor of cutting down the role of the Federal government and turning over the work it does to the private sector, states and cities. So far this ideology has remained largely in the domain

of rhetoric. The decision which I would like to recommend about the future of F.D.A. provides a concrete test case: Do conservatives believe enough in the merit of their own social prescriptions to act on them, at least occasionally—to test them in at least some real systems?