

CONSUMER PROTECTION VS. SPECIAL INTERESTS

by
**Larry J. Gordon, M.S., M.P.H. Director, Environmental Services Division
New Mexico Health & Social Services Department
Santa Fe, New Mexico**

Published in NEWSLETTER, Conference of Local Environmental Health
Administrators, Inc., July 1, 1977

Much of the inefficiency, ineffectiveness, and cost of many programs of environmental management and consumer protection at all levels of government have been related to:

- 1) fragmentation of responsibility and activities among a number of improper agencies, and**
- 2) the fact that many such programs and organizations are not basically oriented to a mission of consumer protection and public service, but, owe their allegiance to a specific industry having a vested interest in the program.**

Within the past year, the public throughout the Nation has become concerned and knowledgeable regarding problems of environmental quality and consumer protection. Numerous polls indicate the public's concern and citizens' willingness to pay for such programs. It is now apparent that there is a groundswell of demand that such activities protect man and his environment. Increasingly, the public has been outraged to learn of limited or non-existent funding for programs of environment and consumer protection, of which it considered itself the beneficiary. The public has been angered by reports of meat inspection programs being administered by agencies basically designed to promote or protect an industry rather than the public; by reports of pesticides being sold contrary to the recommendations of environmental health officials; by reports of a pesticide being marketed in accordance with the recommendation of a consultant to an agricultural agency who also served as a consultant to the pesticide manufacturer, and by attempts to transfer public service oriented programs such as occupational health and safety, as well as radiation protection to agencies created primarily for the purpose of promoting the interests of labor groups.

There is no question that agriculture departments, livestock agencies and labor departments have a proper role and are necessary elements of governmental structure

and service. However, there is also no question that such agencies cannot and should not be public service and consumer protection oriented, thereby attempting or pretending to serve two divergent interests and masters. To so attempt is to perpetrate a farce and defraud the consuming public.

It is of basic importance that all programs of environmental management and consumer protection having a significant health component be administered within a single agency oriented to health, consumer protection and public service in order to:

- 1) deliver quality service and protection to the public,
- 2) promote uniformity of effort and standards,
- 3) prevent duplication of effort; budget, personnel, laboratory and other facilities, supervision, overhead and staff services,
- 4) allow the proper program balance on a rational priority basis,
- 5) balance difficult or controversial decisions in favor of the public,
- 6) attain desired program objectives and goals, and
- 7) prevent confusion over program controversies or duplication of effort for the ultimate benefit of industry and the consuming public

Proper funding and organization of environmental management and consumer protection effort is essential not only for health, safety, comfort, and well-being, but also for promoting and protecting economic development in terms of tourism, industrial development, recreation and the esthetic climate of an area.

SCOPE OF PROGRAM

Such environmental stresses as pollution, waste products, chemicals, radiation, pesticides, insects, rodents, light, pathogenic organisms, safety hazards, noise, and adulterants must be properly regulated in air, food, water, land and/or shelter whether in homes, businesses, industries, vehicles, institutions, recreational facilities, and open spaces insofar as they potentially affect man's health, safety, comfort, and well-being.

Environmental management and consumer protection programs administered by agencies other than environmental health agencies are proper functions of those

agencies if they do not have a significant health ingredient affecting the total public. Consumer protection regulation of products and services not having a significant health ingredient affecting the public-at-large --(such as land or product sale fraud) are not proper activities for the environmental health agencies. On the other hand, programs such as radiation protection, occupational health, air and water pollution control, pesticide regulation, and meat inspection are proper functions for the environmental health agencies, and relate closely to other environmental health functions in terms of objectives, methods, types of personnel needed, and laboratory facilities.

Too frequently, state organizational patterns and programming have tended to follow the federal pattern. This certainly has not provided an effective, economical or efficient lead.

Industry-oriented agencies should properly confine their activities to those of promoting or protecting their industry. On the other hand, consumer protection-oriented agencies should primarily confine their activities to promoting and protecting the health, safety, well-being and comfort of the consuming public.

Remedying existing problems of program fragmentation as a matter of consumer protection, and preventing such problems in the future requires the most strenuous public and political action.