Environmental Health
Programs Under Fire

During the past several months the U.S. has experienced some of the highest-profile foodborne illness outbreaks with well-documented reports of illnesses and deaths. At the same time Congress has taken action to deny funding for implementation of landmark food safety programs and a presidential nominee candidate has stated that food safety regulation is an unnecessary burden on the food industry. While food safety is the most prominent target, other public health and environmental protection programs also face unprecedented reductions and potential elimination. Apparently the preferred alternative to some people is free market self-regulation, although that is not entirely clear.

I generally shy away from partisan political rhetoric, as I respect the right of others to hold opinions that may be very different from my own. The recent tenor of political discourse has grown so polarized that I feel compelled to speak out in advocacy for our noble mission and profession. To quote the late Senator Daniel Patrick Moynihan, “Everyone is entitled to their own opinion, but they are not entitled to their own facts.” I believe the facts clearly support the public value of governmental environmental health and protection programs, both from a risk/benefit and a cost/benefit perspective. Self-policing is an important aspect of public protection, but experience has shown that it is not the entire solution.

An Imperfect System
I think we can begin with an agreement that not all laws and regulations are necessary or appropriate. Many are outdated, inefficient, unenforceable, or poorly written. Periodic reviews and streamlining are always in order and should be a regular part of the process. I have been a participant in a number of regulatory review projects, and it has been my experience that the major obstacle to statutory or regulatory change is not the regulator, but the parties that were originally responsible for initiating the rules: elected officials, special interests, and advocacy groups. That is a part of the democratic process.

Self-policing and industry policing are essential components to public protection, although these are generally driven by liability avoidance rather than public health protection. Truly neutral audits with the authority to require corrective actions and investigate foodborne illnesses are also required, and these functions are best fulfilled by governmental agencies.

Modern environmental health and protection laws and regulations are required to be based on sound science. Food codes, air and water quality criteria, and other standards are required to have established evidence of their ability to be protective of public health and the environment. These laws and regulations go through public hearing and vetting processes that allow for extensive input and dissent. If a bias exists, it is generally guided by the principle of erring on the side of public health protection.

Risk/Benefit
Few can dispute that environmental public health risks are real and significant. Just taking food safety as an example, the most recent Centers for Disease Control and Prevention estimates are that one out of six Americans suffers from a foodborne illness every year, with 128,000 of those resulting in hospitalization. Ultimately, 3,000 people die from foodborne illness in the U.S. annually. These cases are largely preventable, and much documented evidence exists that the education, inspection, and enforcement activities by environmental health programs are effective in reducing the conditions associated with foodborne illnesses as well as other diseases with an environmental health component.

Cost/Benefit
Georgetown University’s Produce Safety Project reports that foodborne illness has a public cost in the U.S. of $152 billion each year. Additionally, the regulatory process clearly imposes costs on the regulated community. These costs may be in fees or fines to governmental agencies and costs associated with meeting requirements including training,
equipment, or other compliance-related expenditures. In nearly all cases, the costs are eventually passed along to the customer or consumer. Are these costs reasonable, with an acceptable benefit associated with the cost? While some may argue otherwise, I think the general public accepts that this is a necessary cost of doing business.

To provide a concrete example, I can relate personal experience with a food safety program. In California it is common for environmental health programs to fully recover all program costs by way of permit fees. Permit fees can range from a few hundred dollars to more than $1,000 per facility. These fees are frequently questioned and often challenged. Occasionally we hear concerns that the fees raise prices and drive small businesses out of business. Taking these comments seriously, we have scrutinized the impacts and generally found that while these fees can be substantial sums, they are a miniscule portion of the cost of running a retail food establishment and relatively insignificant in relation to labor, insurance, utilities, foodstuffs, equipment, and other necessary costs. Specifically, the cost of a fully implemented retail food safety regulatory program (in this case Sacramento County, a Crumbine Award–winning program) adds only a fraction of one cent per consumer meal, which is hardly a basis for increased menu prices or industry ruination.

**Industry Support for Regulatory Programs**

While no one enjoys extra costs and scrutiny, in my experience most responsible businesses accept the need for regulatory programs. I know of one restaurant chain that has a prominent neon sign that proclaims “INSPECTED BY THE HEALTH DEPARTMENT.” Many businesses want their customers and clients to be assured that they are operating in compliance with good practices, and that they are not the chronic violators that can sometimes give the industry a bad name. They frequently look to regulators to provide a level playing field so that less-honorable businesses do not have a competitive advantage by avoiding compliance costs. A number of businesses depend on regulators to provide training for their staff. Some regulatory agencies have had great success in establishing industry advisory committees that provide valuable insight into industry issues and operations, and these groups can even become advocates for quality regulatory programs.

**Public Value—the Ultimate Voice**

While harsh rhetoric and political posturing by what appears to be a vocal minority may give the impression of popular regulatory outrage, the consensus is that environmental health and protection continue to be valued by the general public. Multiple surveys indicate high levels of both public concern for the quality of food, water, and air and public support for protective public services. Public awareness has never been greater, and it seems to be growing with the realization of international supply concerns and threats. Factual evidence supports the need for food safety protection and other environmental health programs. The continuing poor economy has appropriately raised concerns for costs, but I am confident that in the long term, the collective public wisdom will prevail in recognizing the value and efficacy of strong environmental health programs and practices.

---

**ACCEPTING NOMINATIONS NOW**

**Walter S. Mangold Award**

The Walter S. Mangold Award recognizes an individual for extraordinary achievement in environmental health. Since 1956, this award acknowledges the brightest and the best in the profession. NEHA is currently accepting nominations for this award by an affiliate or by any five NEHA members, regardless of their affiliation.

Nominations are due in the NEHA office by Thursday, March 15, 2012.

For information, please visit www.neha.org/about/awardinfo.html. Members can obtain nomination forms by calling 303.756.9090, ext. 302, or by sending an e-mail to tosner@neha.org.