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HEALTH, FOOD AND NUTRITION

Political Options, Political Futures

by Nancy Chapman



As the election is over and the nation can return to its real issues. Do the results of the election suggest a new mandate for the nation? Could agriculture policy be awaiting a shake-down from the environmental and health communities? What does a Clinton Administration

hold for the food and agriculture community? Since agriculture policy took a back seat to economic policies, health care, industrial policies, and education in the election, no public statements help us answer these questions.

Agriculture Policy Under the Clinton Administration

The agriculture advisors to Clinton remind us that Arkansas depends greatly on the agriculture industry and that the President-elect has successfully promoted those interests. Clinton has publicly endorsed the North American Free Trade Agreement with two primary reservations—assurance that the United States environmental and safety standards are not jeopardized and proper protection for American jobs are established. The President-elect also believes that infants and children should receive a head start through strong, effective education and nutrition programs.

Will the U.S. Department of Agriculture under a Clinton Administration step away from the market-oriented approach to agriculture production and pricing? Will policies change to enable all eligible individuals to receive adequate food assistance benefits, such as adoption of the universal free lunch and full funding of the Supplemental Food Program for Women, Infants, and Children (WIC)? Will USDA shift its focus from producer economic woes to consumer concerns about food safety and inspection services of poultry, beef, and seafood? Will USDA advocate production and marketing of more value-added, consumer-demanded commodities that could keep unemployment rates in rural America from escalating further? Will nutritional quality begin to overtake surplus removal as the premier criteria for purchasing and distributing food in the federal food assistance programs? Will USDA adopt policies that protect the environment at any cost such as significant job loss?

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Judging from the leadership style of President-elect Clinton, the new Administration will likely seek consensus among divergent viewpoints and design compromise positions that all parties will accept. Being elected to improve the economy, Clinton will most certainly weigh the economic consequences of an issue more heavily than other impacts when making agriculture policy decisions. With severe budgetary constraints, farm programs are under the ax. Where the chips will fall depends on how committed politicians are to reducing the deficit.

Food and Nutrition Labeling

Like the future of food and agriculture policy under a Clinton Administration, uncertainty describes the future of food labeling policies under a Bush Administration. Public health smashed into politics on the way to the Federal Register. The fatality is the final food labeling regulations two years after enactment of the Nutrition Labeling and Education Act (NLEA). The Food and Drug Administration was prepared to issue the final rules that would govern most packaged foods in the U.S. marketplace. The Secretary of Health and Human Services and the FDA Commissioner had signed the new set of regulations. Then, USDA Secretary Madigan, pressured by the meat industry, interfered at the White House and blocked the publication of the final food and nutrition labeling rules.

Secretary Madigan disagrees with FDA on three issues. He wants the format on the new food label to provide general dietary guidance and not give specific dietary criteria or compare the nutrient content to such criteria by using percentages. He opposes both the proposed definitions of "light" and the inclusion of restaurants under the labeling law. USDA appears intractable. The Secretary of Health and Human Services, authorized by law to choose the food labeling rules, won't back down. The standoff moves to the White House.

At the writing of this column, no resolution of the issue is apparent. The legal deadline for publication has passed. Several scenarios emerge, but, even horoscopes are mute. Here are a few viewpoints. Since FDA did not issue final regulations by November 8, 1992, the Food and Drug Administration asserts that the proposed regulations from a year ago have taken effect as the final rules, in accordance with a NLEA statute. These earlier proposals from November 27, 1991 contain complete instructions on how and what to print on a revised food label. The November, 1991 rules include a May 8, 1993 compliance date.

The food industry, with hundreds of millions of dollars at

stake, and the clock quickly ticking to a compliance date, paints another scenario. Citing another provision of the NLEA, food industry lawyers argue that the agency must first notify the public of the intent to make proposed rules the final rules before this action transpires. This concept buys time but doesn't resolve the conflict over how to tell the American shopper how a food product fits into the nutritional context of a total diet.

Congress could offer a third interpretation of the missed deadline. Like FDA, they view the proposed rules as the final rules. But, some Congressional members expect that all rules proposed after the November 8, 1992 deadline would be subject to at least a 30-day comment period. While Congress might argue for consistency between FDA and USDA rules, they question why the USDA Secretary has any jurisdiction over rules promulgated by a law governing only the FDA food labeling regulations.

The final rules on packaged foods are not the only area of contention. In the last days of Congress, the dietary supplements industry secured approval of legislation that exempted dietary supplements from labeling for at least a year. The question still remains on how FDA's rules on health claims rules apply to the Federal Trade Commission rules governing health and nutrient claims in advertising.

Biotechnology Foods

Federal regulators have also sharpened pencils and pulled out erasers to develop regulations governing biotechnology-derived foods.

On May 29, the Food and Drug Administration (FDA) published the government's policy statement on biotechnology-derived foods. Proposed rules would regulate genetically engineered plant foods on the same basis as other foods, arguing that judgements should be made on the outcome not the process of creating the biotechnology-derived foods. If a new substance was introduced through biotechnology for which no pre-existing safety standard exists, or if modified foods contained an allergen, lost some of their original nutrients, or contained some toxin, FDA's proposal would require the same type of pre-market approval as the agency now uses in clearing new food additives.

Within the next few years, FDA estimates that food biotechnology will create nearly 800 different developments ranging from biopesticides to pest/disease resistant plants and from vegetables with higher nutrient content to plants that can be produced more efficiently with less cost and spoilage. The breakthroughs are happening with lightening speed. Industry consumers, and government want rigorously enforced testing and regulatory procedures that can effectively safeguard the safety and integrity of food and protect the environment from uncontrolled cross breeding.

Our food supply is rapidly changing, but many consumers don't understand the nature of these modifications. A newly released consumer study by Hobart from North Carolina State University and Kendall from Colorado State University document the diverse public attitudes about the use of biotechnology in agriculture and food production.

The over 3000 comments to FDA on the food biotechnology policy statement reflects the mixed feelings. Approximately 95 percent were from consumers, one-third of those were form letters. Eighty-five percent suggested labeling the food "genetically engineered," fifty percent urged safety testing for all foods, one-third expressed concern about allergenicity, and ten percent of the comments claimed that religious and ethical beliefs were not adequately addressed. One consumer group commented that certain transgenic products, such as fish genes in strawberries,

were simply unappetizing.

Most environmental and consumer groups such as the Environmental Defense Fund and National Wildlife Federation recognize the benefits of much of the biotechnology; but they also expect all genetically engineered plant foods to be labeled and subjected to premarket approval like food additives. Only a few groups such as the Pure Food Campaign and a "1000 chefs" group aim to throttle all progress in food biotechnology by catalyzing supermarket boycotts and other demonstrations.

Comments from industry groups and commodity groups, such as the National Food Processors Association, Industrial Biotechnology Association, and the American Farm Bureau Federation objected to labeling of foods "solely on the fact that novel technologies were used in their production." They expect labels to inform consumers if genetic modifications result in (1) new ingredients being formed; (2) natural toxic ingredients present at levels above ones normally in plants, and/or (3) significant changes in nutrient content. Food technologists, FDA scientists, and industry experts acknowledge that the issue of allergenicity and ethical concerns about the presence of animal genes in plants will require special study and deliberations.

Another comment noted the policy statement's failure to address the international trade issues. The European Community and Canada are preparing directives on "novel foods" which will require full labeling and regulations of all genetically engineered plant foods. A rush to introduce food biotechnology bills at the end of the Congressional calendar portends the debate will move from the FDA to Congress. How this issue will eventually be resolved is unclear, but public input is certain and public education is a must. **C**

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