Reagan Reforms Create Upheaval at NIOSH

Scientists at the occupational health institute say a transfer to Atlanta is not the answer to their problems

A scribbled sign hanging on the door in one of the long hallways at the National Institute of Occupational Safety and Health (NIOSH) says, "Office for Sale." Down the hall, desks and chairs are tagged with pink slips designating a future location.

On 1 November, the headquarters of NIOSH, the government agency that conducts most of the federal research on workplace hazards, is to be moved from Rockville, Maryland, to Atlanta where its head agency, the Centers for Disease Control, is located.

The Reagan Administration startled NIOSH with the news of the move this summer, announcing that the transfer would "improve administrative efficiency." But officials from organized labor and many NIOSH scientists criticize the transfer as an attempt to stifle the institute's work and its interaction with regulatory agencies in Washington. These opponents of the move argue that the institute should remain near Washington so it can keep in close contact with other government agencies, labor groups, and trade associations. They say that the relocation is at best a Band-Aid remedy to serious problems at the institute.

NIOSH is a small agency with a big mission. It stands in the shadow of the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration and provides these regulatory agencies with research and technical support. The institute also carries out epidemiological and surveillance studies in the workplace. On the basis of the institute's reports, the government has set standards on hazardous substances such as cotton dust, coal dust, asbestos, and chemical carcinogens.

But since its establishment a decade ago, NIOSH has not risen to excellence. Interviews with more than two dozen occupational health specialists outside the institute, past and present NIOSH scientists, and congressional aides reveal that for several important reasons the institute has faltered.

- The most obvious is that in its 10 years of existence, NIOSH has had four directors, two of whom were fired. The fourth was only recently appointed.
- The institute and its research findings are often caught in the cross fire between powerful labor groups and industry.
- Many of the institute's troubles are rooted in its founding legislation, the Occupational Safety and Health Act of 1970. For example, the act placed NIOSH in a department separate from the regulatory agencies it serves, making coordination difficult.
- The institute's main branches are geographically scattered in three locations: Rockville, Cincinnati, and Morgantown, West Virginia.
- The institute's budget has never matched the size of its mission.
- NIOSH has never effectively reached the workers and owners of small businesses who compose more than half of the nation's work force.

Photos by Marjorie Sun

Marcus Key

Testifying at House hearing on NIOSH

When NIOSH and OSHA were established in 1970, NIOSH's sponsor, former Republican Senator Jacob Javits of New York, said that "the research and recommendations of the institute will be of critical importance in continually improving occupational health and safety standards promulgated under this act." He predicted that the institute would entice superior scientists and "would easily attract the substantial increase in funding necessary. . . ."

His predictions have largely gone unfulfilled. Indeed, if one judges NIOSH by its budget alone, NIOSH ranks among the smallest research agencies. In fiscal 1981, the Carter Administration set aside $83 million for the institute—a budget comparable to that of the National Institute of Environmental Health Sciences. But under Reagan, the institute's budget is to be slashed to $68 million, leaving NIOSH smaller than any institute at the National Institutes of Health.

NIOSH has stumbled along also because of its position in the government and its broad responsibilities as mandated by the 1970 act. The legislation placed the institute under the Department of Health, Education, and Welfare (now the Department of Health and Human Services) and thus isolated it from OSHA in the Labor Department. The separation was intended to give the institute independence from OSHA.

Many NIOSH scientists, but not all, question whether CDC is the best agency to oversee the institute. The legislation only stipulated that the institute would conduct research and recommend standards. With these two functions, NIOSH does not fit neatly under any government agency. The institute was absorbed by CDC shortly after it was established because of the mutual goal of preventive health care. Some scientists would like to see the institute set up as part of NIH or an independent agency directly responsible to the assistant secretary of health.

"NIOSH is fish and fowl and something in between," said Marcus M. Key, the agency's first director, on 15 September before a House subcommittee hearing on the pros and cons of moving the institute to Atlanta. Key is now a professor at the University of Texas at Houston at the School of Public Health.

With all of these problems, NIOSH has never achieved much stability. That comes as no surprise given the high turnover in the institute's leadership. The director's job demands a skilled administrator to cut across the bureaucratic web in which NIOSH exists. Only Key, who retired from the post after 3 years, left by his own choice. His successors, John F. Finklea and then Anthony Robbins, were each fired after serving 3 years of a 6-year term. Now CDC veteran and epidemiologist J. Donald Millar is in the hot seat.

A combination of factors apparently led to Finklea's firing. Finklea, a Ford Administration appointee, says he was dismissed during the Carter Administration because HEW Secretary Joseph Califano wanted to choose his own candidate for the job. Finklea says, "I don't know of any other reason for being dis-

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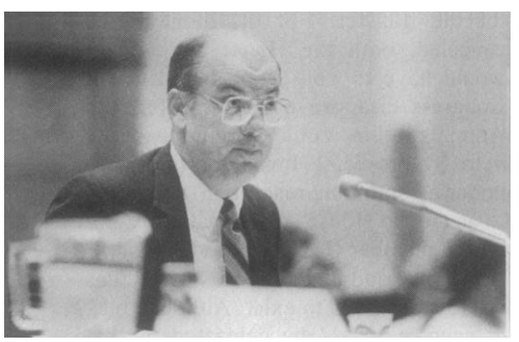
missed. It was the Secretary's prerogative to dismiss me."

But Finklea, now a professor at the University of Alabama at Birmingham, reportedly was ousted because of other bureaucratic wrangling. According to institute scientists, OSHA could not keep pace in setting standards to the institute's reports called criteria documents. The reports are extensive bibliographies of the scientific literature on a given substance or process. From this information, NIOSH develops criteria for setting standards and then recommends them to OSHA. Eula Bingham, who then headed OSHA, became increasingly uncomfortable with the backlog of reports and reportedly pressed for Finklea's removal.

Bingham says she never pushed for Finklea's firing. "I heard that rumor and there's just nothing to it," she said in an interview. The pileup of criteria documents "was not an embarrassment but there's no way you can keep up with the number of criteria documents," said Bingham, now a professor at the University of Cincinnati.

Finklea's successor, Anthony Robbins, was a close associate of Bingham and quickly became known for his strong advocacy for the worker. Robbins' activism, along with that of his principal aide, John Froines, a member of the Chicago



John Finklea

Emphasized "criteria documents"

Seven who disrupted the 1968 Democratic Convention, caused industry considerable heartburn. (Froines has a doctorate in chemistry from Yale.) Last March, a scathing article on Robbins appeared in the trade letter of the U.S. Chamber of Commerce, and shortly afterward Robbins was dismissed by Health and Human Services Secretary Richard Schweiker. The Secretary announced that the firing "was in the best interests of the agency."

Although many regard Robbins' firing as politically motivated, the dismissal brought a sigh of relief to many institute scientists, particularly in Rockville. Many of Robbins' opponents are scientists in the criteria document branch which was nearly eliminated under him. But other scientists fault Robbins as well. "Morale was never lower than under Robbins," says Ralph Yodaiken, who is a medical adviser in the director's office and has published articles on occupational health with Robbins. "He was one of the worst managers NIOSH ever had. His heart was in the right place but his head was two steps behind. He never consulted with anyone except his own appointees."

Robbins says that his reforms changed the roles of some scientists and that "there was undoubtedly a great deal of discomfort with my management." Although he initially often depended on his own advisers, he eventually felt "pretty comfortable with all the division directors." Philip Landrigan, director of the Cincinnati division, which received the most attention under Robbins, says he had "no problems" with him.

The quick succession of directors has made it difficult for Congress and occupational health professionals to count any major successes at the institute.

Right from the start, Congress has judged the institute by its production of criteria documents. Every year, when NIOSH has been up for appropriations, legislators have asked how many reports it completed. Finklea sank much of the institute's resources into criteria documents to meet the seemingly arbitrary goal of 24 set by HEW Secretary Elliot Richardson. A report currently costs NIOSH about $250,000 to produce.

Many if not most institute officials believe that Congress and Finklea emphasized the documents to the agency's detriment. "We put all the eggs in that basket," says Nelson A. Leidel, an agency senior scientist.

The criteria documents division is the one part of NIOSH designed to work most closely with OSHA. But as production stepped up, OSHA scientists complained that the quality was uneven. Morton Corn, a deputy OSHA official while Finklea was in office, said at the recent House hearing that he stopped turning to NIOSH for advice. "It has yet to establish a record of high-level, peer-reviewed research," said Corn before the health and safety subcommittee of the Energy and Labor Committee.

Shortly before his firing, Finklea ordered an extensive evaluation of the development of the reports. The $169,000 contract study surveyed members of industry, labor, and government and was completed shortly after Robbins became director. It recommended several specific changes, but according to scientists in the criteria documents branch, Robbins did not adopt them. The study, for example, said that a report should provide a critical review of the scientific literature rather than remain a catalog of information.

Lorin Kerr, director of occupational health for the United Mine Workers,

Anthony Robbins

Focused on studies of workplace

said, "If Tony had been willing to look at the study, it would have saved him a lot of headaches."

Robbins, now a staff aide to Representative John Dingell (D–Mich.) on the Energy and Labor Committee, defends his decision to change the institute's course. "The thing we were getting away from was letting the whole list of criteria documents govern the whole research effort at NIOSH. I had to look at the marginal value of criteria documents."

Robbins chose to focus the institute's efforts on epidemiological field studies of hazards in factories and offices—known as health hazard evaluations. Researchers quadrupled the number of evaluations that had been done under Finklea. Institute scientists surveyed a wide variety of places at the request of the employer or the workers, including the Stardust Hotel in Las Vegas, the Shoreham Nuclear Power Plant on Long Island, the Smithsonian Institution, and the office of a dentist in Albany, New York. Under Robbins, however, industry came to resent the studies, calling them inspections and labeling the institute a "baby OSHA." The problem with emphasizing the health hazard evaluations, according to some occupational specialists and institute scientists, is that the studies are primarily short-term research that provides limited information. If NIOSH is to be a first-class institute, it needs to focus on broader investigations, they say.

Although the success of criteria documents and health hazard evaluations appears to fall short of expectations, the institute can count its occupational

health training programs as a feather in its cap. In 1977, NIOSH established 12 centers located at universities across the nation to train specialists in occupational health. Under the institute's program, 700 professionals were trained this year. The current annual demand from labor, industry, and government is 5000. According to NIOSH officials, most of the trainees from the institute-sponsored programs take jobs with industry. Despite the continuing shortage, the Administration cut the $14 million program from the fiscal 1982 budget. The Senate, however, restored $6 million to the training program a few weeks ago.

New director, Donald Millar

NIOSH should not be politically oriented

With NIOSH's budget slashed by almost 18 percent, its new boss, Donald Millar, faces the task of picking up the pieces and unraveling the agency's problems. Millar (pronounced mil-LAR) joined CDC in 1961 and has worked primarily in infectious disease prevention. For 14 years, he led major CDC programs to eradicate diseases such as smallpox in West and Central Africa. Prior to his current post, Millar was head of CDC's Center for Environmental Health for a year. He is a close colleague of CDC director William Foege.

This is not the first time Millar has rubbed elbows with NIOSH. After Finklea was fired in 1978, Millar was acting director for 4 months. He declined to take the job permanently because he wished to remain in Atlanta. When he was recently named director, rumors spread that the Administration moved the institute to Atlanta because Millar would not move to Washington. "Not true," said Millar. "I wasn't asked to take the job until after the move was planned."

Some institute scientists question whether Millar can be an effective leader of NIOSH, citing his lack of experience in occupational health. Millar contends that the same scientific principles apply in occupational health as in communicable diseases. More importantly, he says, NIOSH needs a strong administrator who will protect the institute from the buffeting by labor and industry.

"Naming me as head is an attempt to step back from what has been a partisan job," the 47-year-old Millar said in an interview. "I've not been politically oriented in the past and I don't expect to be in the future." Millar calls science "an apolitical phenomenon. If it becomes political then it ceases to be science," he said. His appointment and the transfer of the administration to Atlanta are "harbingers that the agency will become less politically sensitive."

Millar already has critical support from head officials at Cincinnati and Morgantown branches of NIOSH, which should make the transition in leadership go more smoothly. Philip Landrigan, head of the Cincinnati division, worked closely with Millar while at CDC for 9 years. He regards Millar as his "mentor," and says that the new director "cares about making changes." The head of the respiratory diseases division at Morgantown, James Merchant, also worked at CDC before joining the institute. "I've got a lot of confidence in him and CDC," Merchant said.

Millar already has several broad goals in mind. He plans to increase surveillance of occupational hazards so that public health workers can respond quickly to problems. He says that the institute should also do a better job of studying the causes of accidents and of promoting safety. The new director wants to encourage state and local health departments to become more active in occupational health.

Millar also expects to revive the production of criteria documents to a level "closer to Finklea's than Robbins'." The reports, he said, are a good measure of the institute's progress. "We can't expect every criteria document to become a regulation." He notes that the reports are widely used as a reference by industry, labor, and other occupational health professionals.

When the Administration announced that the administrative staff would be transferred to Atlanta, it also disclosed that the criteria documents branch, which also has been based in Rockville, would be moved to Cincinnati where NIOSH bench and field scientists are based. Millar says the move will improve the reports because in-house research will be expanded and more closely related to the criteria documents.

Millar would not commit himself as to whether he will seek to maintain the training programs. "I'd be happy to have them, but if funding realities exclude them, I'll take the Administration's line."

Millar says one of the things he learned as acting director is that NIOSH ties to CDC should be severed. Given the Administration's antiregulatory mood, some suspect that the Atlanta transfer is designed to eliminate any interaction with OSHA. Even occupational specialists are unsure about the transfer. At the House hearing, three medical directors of companies, including the United States Steel Corporation and the Aluminum Company of America, said that, although they believe Washington is the least suitable location for NIOSH, they "are not convinced Atlanta is the right spot either." Ex-NIOSH chiefs Key and Finklea oppose the Atlanta transfer.

Finklea urges that an independent organization such as the National Academy of Sciences or the General Accounting Office evaluate the problems of NIOSH before any move is made. One of the key questions, Finklea says, is whether CDC has been a good steward of NIOSH. The answer requires a detailed budget analysis, he says.

The move to Atlanta seems likely although the House Appropriations Committee and a Senate appropriations subcommittee recently voted to block funds for the transfer. For the move to be canceled, both the House and Senate would have to vote against it. Even if Congress disapproves the transfer, the Administration could circumvent the veto by providing funds for the move under a continuing resolution, according to an aide to House Appropriations Committee member David Obey (D–Wisc.).

Industry and labor officials agree that NIOSH deserves to exist. Although other agencies could be delegated the research now carried out by NIOSH, the institute has one trump card that makes it special—its right of entry and right to subpoena. Another aide to Obey says other agencies such as the National Cancer Institute could be given these rights but that would be politically chancy. Such a change would require a congressional amendment to the 1970 act. Under the current Republican Administration, the aide said, any fiddling with the act now could backfire and set into motion changes that could cripple the act.

If there is one sure action that would help NIOSH, a comprehensive examination before the move seems in order. As NIOSH official Nelson Leidel put it, "I've been frustrated enough with NIOSH to think, 'Why not start over.' "

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