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A PLEA FOR FDA STABILITY

Kings, popes, and presidents come and go with the passing of time. It should not be strange, therefore, that the same is true of Food and Drug Administration Commissioners.

Nevertheless, the departure of the last several FDA Commissioners has seemed to us to have come too soon, too abruptly, and all too unexpectedly. Indeed, each of them seems to have little more than arrived, got settled in office, established an operating style, developed a rapport with the health professions and the regulated industry, when "poof!"—they were gone from office!

Our editorial comments in the November 1976 issue were written on the occasion of the previous Commissioner's (Alexander M. Schmidt) departure. Under the column heading "Passing the Baton at FDA," we recounted the strengths, weaknesses, and operating styles of the succession of modern era FDA Commissioners beginning with the celebrated James L. Goddard, the first noncareer official to ascend to the office in the agency's history. We concluded on a plaintive note that what the agency most needed at that point was "someone at the helm 'who can get it all together!'"

Well, whoever the Almighty has in charge of answering such prayers evidently heard our plea, with the rather unexpected and unlikely selection of an academic research biologist in the person of Ph.D., Donald Kennedy.

The initial Washington reaction to this choice was that the primary qualification possessed by Dr. Kennedy was that he was virtually unknown to the respective Washington political, scientific, and health communities, and therefore no one had a significant basis for mounting opposition to his appointment. Given the operating process in this politically sensitive city, there was much logic to this line of reasoning.

But it was no time at all until Dr. Kennedy had demonstrated himself to be a very energetic, articulate, and personable individual, as well as one with a quick mind and the intellectual ability to grasp the peculiar facets of FDA's regulatory responsibilities and the difficult policy issues with which it was grappling. After his two years in office, there is almost a universal consensus that he proved to be a very able Commissioner.

Moreover, if we were to single out one special achievement that he made, we would cite his "humanization" of FDA. He met with countless groups, engaging them in the most lively and informal discussion and inspiring such a feeling of openness and credibility that he came to be nicknamed "The Visible Commissioner."

So, his announcement that he would be resigning in late June to return to Stanford University as Provost and Vice-President for Academic Affairs was met with widespread disappointment. In discussing his resignation with the press, it is reported that the timing of his decision was at least in part due to the Ethics in Government Act. This is a new federal statute that becomes effective July 1, 1979. The Act is designed to restrict former federal employees in their postemployment contacts with their former agencies. The objective is to prevent even the appearance of conflict-of-interest or other undue influence. It is this Ethics in Government Act that has led to a whole rash of other recent resignations from federal office, particularly within the Department of HEW.

In discussing the impact of this new law on personnel recruiting efforts, an HEW representative recently stated that it has become much more difficult to find people on the outside who are willing to fill these high level vacancies. The pay scale for such positions is generally below that of comparable levels in the private sector; the security is tenuously tied to the fortunes of the elected Administration; and now the Ethics Act will prevent such people from easily returning to employment where their knowledge, skills, and experience would be most suited. Both Dr. Schmidt and Dr. Kennedy had simply taken leaves of absence to serve in FDA, which made it readily convenient for them to return to their respective academic institutions at such time as they felt the situation might dictate. The HEW representative went on to state that this effect of much greater difficulty in recruiting qualified outside persons would probably necessitate substantially more appointments from within the present career staff of the respective agencies.

Our first reaction is that such an outcome would be unfortunate because it deprives the agency of new thinking, fresh ideas, and the broadest choice of qualified people from which to select. However, there is another likely result that would generally be beneficial. In short, people will be far less inclined to bounce in and out of high level federal positions, for the simple reason that there will be little place for them to bounce to—at least for one year.

If this result contributes to greater stability in the FDA Commissionership, it will at least constitute one very significant compensating feature—one that our experience over the past decade has taught us to value.