Currents

The Milking of New York City

As a result of deregulation and a little old-fashioned competition, residents of New York City recently saw the price of fresh milk drop by more than 20 percent—literally overnight. On January 9 of this year, Farmland Dairies, a New Jersey processor prevented from distributing milk anywhere in New York City but Staten Island, began distributing in the city's more densely populated boroughs. The five-firm cartel that once controlled milk distribution in the city collapsed when a federal court set aside the state law protecting the cartel from such intrusions. Rarely in the world of regulatory politics are the lines so clean, the facts so unambiguous, and the pernicious effects of regulation so clearly revealed. These were laboratory-like conditions for testing the effects of deregulation. Federal milk regulators should heed the lessons of the New York City milk "experiment."

The market for fresh milk is a curious one. As with many agricultural products, supply fluctuates widely over the course of the year. In addition, milk is highly perishable and costly to transport. By and large, people drink milk produced in their own state or a neighboring one, with prices governed by local market conditions. Technological advances in recent years have loosened the seasonal and geographic constraints on milk production. Modern refrigeration and the development of both ultrapasteurized and reconstituted milk have made it possible to store milk longer, transport it further, and do so at lower cost. In an unregulated market, these advances would lead to lower and more stable milk prices. In the highly regulated regime that characterizes the milk market, however, these advances have translated into relatively limited benefits to consumers. The Department of Agriculture's system of milk marketing orders has "stabilized" milk production, meaning it has kept prices high throughout the year and maintained a geographic pattern of prices that preserves the dominance of local producers. (See "A Reconstituted Threat to the Milk Cartel," *Regulation*, May/June 1983.)

The adverse effects of federal milk policy are compounded in the State of New York, which has its own system of licensing local milk distributors. By retaining authority to allocate the right to distribute milk within its borders, the state has nurtured local cartels, particularly in the downstate area. (New York is a major milk producer upstate, and a major milk consumer in the downstate counties in and around New York City.) Under the state regulatory regime, the power of milk cartels in the downstate area reached staggering proportions.

The New York system of milk distributor licensing, like the federal marketing order system, dates to the 1930s. In the midst of the Great Depression, the New York legislature enacted a law forbidding new firms to enter the business of milk distribution when such would "tend to a destructive competition in a market already adequately served." The task of interpreting that arcane and hopelessly vague term "destructive competition" was left to New York's Commissioner of Agriculture.

As the law was interpreted over the years, there emerged a milk cartel of five firms which, with the imprimatur of the state, enjoyed a virtual monopoly over milk sales in New York City.

The harm to consumers was substantial. Surveys indicated that milk consumers in New York City paid 36 cents more per gallon on average than consumers in adjacent New Jersey. Only 2 cents to 6 cents of this difference was attributed to cost differences. Other studies showed that per capita milk consumption in New York City was 15 percent less than in the rest of the country. One New York State official estimated that the state-sanctioned monopoly cost consumers in New York's eleven downstate counties an extra $100 million a year in higher milk prices.

Milk consumers were not the only ones to suffer from the dealer cartel. Milk retailers faced

an artificially limited number of firms from which they could purchase supplies. Also they were precluded from achieving economies of scale and bypassing inefficient suppliers by becoming dealers themselves. Potential dealers, those not afforded the protection of the statute, were prevented from breaking into the market. Even the dairy farmers failed to reap any benefits from the cartel: state regulation raised prices solely at the wholesale and retail levels. All of the benefits of state regulation flowed to a single, narrow interest group—milk distributors already licensed to sell milk in New York.

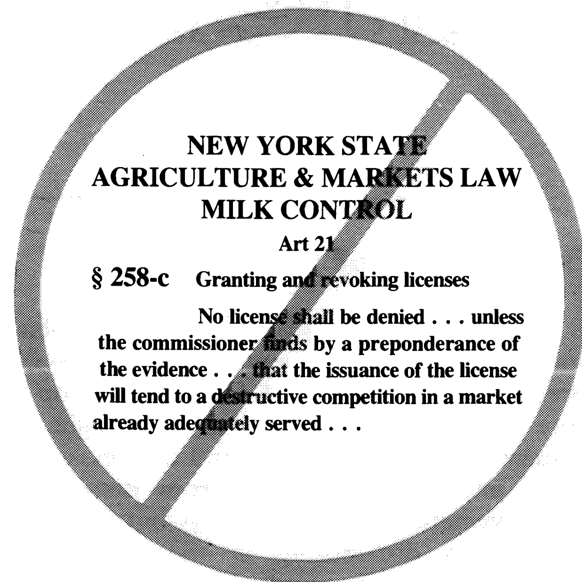
Efforts to alter New York's milk distribution system were, until recently, singularly unsuccessful. For years, applications to enter the milk distribution business were routinely denied.

The first breakthrough came in late 1985, when Farmland Dairies was granted access to the Staten Island market. The effect was dramatic: Staten Island milk prices dropped 40 cents a gallon in the ensuing competition. With the help of the New York media, Farmland led the charge for even more competition. It next sought permission to sell milk in the remaining four New York City boroughs where the cartel retained control. The press kept a close watch on Farmland's license application hearing, which was held last summer by Agriculture Commissioner Joseph Gerace.

Daniel Oliver, Chairman of the U.S. Federal Trade Commission, entered the fray last fall. In a letter dated October 28 to New York Governor Mario Cuomo, Oliver described New York's system as "an anachronism in a time of mass marketing and modern refrigeration." Oliver urged repeal or, at the very least, an enlightened interpretation of the law that would permit competition, not regulation, to govern milk marketing in the state.

With Oliver's intervention, the tempo quickened. The Oliver letter was reported in *The New York Post*, *The Daily News*, and *The New York Times* as well as in suburban New Jersey papers. The media barrage continued on an almost daily basis. On November 17, the New York State Investigation Commission, a watchdog agency, opened an inquiry into state milk licensing practices and called Agriculture Commissioner Gerace to testify.

In the midst of all this, Gerace issued his long awaited decision on Farmland's license application: application denied. Unswayed by the weight of the case against perpetuating a dealers' cartel, Gerace bemoaned the fact that "[the] usual and most obvious method by which a new competitor obtains customers is to offer to sell milk at prices lower than those now prevailing in the market." He went on to say that the "severity" of the resulting competition would "result in deterioration in the quality and level of service to the market." Such a result, he said, "would be contrary to the public interest."



At this point, Oliver traveled to New York to bestow upon Gerace the chairman's "National Consumer Fleece Award" for having "brazenly upheld one of the most anti-consumer monopolies in the country." Calling for Gerace's resignation, Oliver remarked during the awards ceremony that "competition is the only guarantor of low prices and good service."

A rapid sequence of events then led to the collapse of the state's support of the dairy cartel. Within a fortnight, Gerace resigned under pressure from the Cuomo administration. (He was renamed to the post of Director of the Office of Rural Affairs.) Less than a week later, Federal District Judge Leonard Wexler declared the New York statute unconstitutional as applied to Farmland Dairies, thus ending a five-year court battle. Labeling Gerace's interpretation of the statute "economic protectionism," the court found that his denial of Farmland's application was an unconstitutional restriction on interstate commerce.

The court decision had an immediate and profound effect. Several large grocery chains contracted to do business with Farmland and others re-negotiated contracts with existing suppliers; milk prices dropped as much as 70 cents a gallon. The invisible hand of the market worked its magic literally overnight as the trucks carrying Farmland milk at cheaper prices rolled into New York City.

The state statute is still on the books, and it is too early to tell whether the old milk cartel will manage to use the political process to foreclose competition. They have done it before, of course. But there is something very different about the situation today. Thanks to the experiment in the boroughs of New York City, the benefits of deregulation are no longer hypothetical. Milk consumers, retailers, dairy farmers, and potential dealers are finally out from under the yoke of state regulation and enjoying the benefits of the free market—lower prices, broader selection, and the opportunity to try to serve the market on better terms than existing suppliers. They know that $2.00 milk tastes as good as $2.50 milk. Unlike in the 1930s or even in the 1970s, the milk distributors' lobby will be pitted against a broad segment of the population that is now reasonably well informed and increasingly vocal about the costs of milk regulation.

A Food By Any Other Name

The advertising media are ablaze with messages about dietary fiber and cancer, as rival breakfast cereals attempt to outdo each other in making palatable as much fiber as can be packed in a flake. Bran cereal sales have soared in response to box labels and advertising campaigns echoing the theme that more fiber in the diet can reduce health risks. If the new labels and advertisements seem to herald one of the great breakthroughs of modern medical science, that is largely an illusion. The bigger breakthrough is in the application of federal regulatory policy. The Food and Drug Administration's (FDA's) policy of strictly limiting health claims for foods has been subject to a full-scale assault by the breakfast cereal industry. FDA has yet to issue a definitive reply.

The assault dates to 1984, when the Kellogg Corporation decided to promote All-Bran cereal using a health message from the National Cancer Institute (NCI). NCI had just kicked off a "Cancer Prevention Awareness" campaign to alert consumers to the latest epidemiological findings on diet and cancer. The NCI message was that reducing fat and increasing fiber intake may reduce the risk of colon and other types of cancer.

Kellogg saw the value of this message for the sale of its products and approached NCI with the idea of incorporating NCI's diet advice in All-Bran labels and advertisements. (All-Bran was the leading high-fiber cereal.) Peter Greenwald, Director of NCI's Cancer Prevention and Control Division, recognized the overwhelming advantages of commercial advertising over the unpaid public service announcement in disseminating health information. He saw this as a unique opportunity to get NCI's message across as part of the Department of Health and Human Service's war against cancer.

Kellogg and NCI both stood to gain from the new advertising campaign and an informal agreement was quickly reached. Kellogg would summarize the NCI dietary message and even include NCI's address and 800 telephone number for information on cancer prevention. The entire back of the All-Bran package would be devoted to NCI information. There would be no suggestion, however, that NCI endorsed All-Bran.

The All-Bran campaign created a major stir in the advertising community. Small wonder. For decades FDA had fought to keep health information out of food labels and advertisements —and it had been surprisingly successful. Health claims for foods were exceedingly rare before Kellogg made its move. The battle over cholesterol is a case in point. In the early 1960s, when physicians began advising patients to reduce cholesterol intake, FDA forbade any mention of cholesterol on food labels. This policy remained in place for a decade. Even today, after the years spent by the federal government trying to educate people on the connection between cholesterol and heart attacks, FDA steadfastly prohibits sellers of low-cholesterol foods from mentioning heart disease on their labels.

While FDA regulates the labels on foods with near dictatorial authority, its influence on advertising is more indirect. The Federal Trade Commission (FTC) requires that health claims in advertising be "substantiated." The FDA has no authority of its own to regulate advertising, but it may use an advertisement as the basis for classifying a product as a drug, bringing forth the agency's severest regulatory hurdles.

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Legally, the distinction between a food and a drug turns on intent. According to Section 201 (g) of the Federal Food, Drug, and Cosmetic Act, if a product is "intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease," it is a drug. It may also happen to be a food, cosmetic, biological, or other category of regulated beast; the requirement for pre-market approval as a drug still applies. FDA has traditionally determined intent by examining the product's label and advertising. In other words, FDA can and sometimes does classify foods as drugs purely on the basis of label or advertising claims, such as claims that a food can "alleviate" or help "prevent" a disease.

When the All-Bran advertisements hit the airwaves, the FDA staff was apparently eager to classify All-Bran as a drug, forcing Kellogg to file a new drug application, conduct clinical trials demonstrating safety and efficacy, and label its product with the necessary cautions and dosage instructions. (How else would consumers know how many tablespoons of All-Bran to eat per day in order to prevent cancer?) The pre-market review of new drugs is extremely costly and time consuming, and would certainly have brought the whole campaign to a halt.

But this was an unusual case. After all, the impetus behind the All-Bran campaign was NCI—a companion agency of FDA within the Department of Health and Human Services. Among those who saw some merit in the Kellogg/NCI arrangement were Margaret Heckler, then Secretary of HHS, Frank Young, Commissioner of Food and Drugs, and Carol Crawford, then Director of the Bureau of Consumer Protection at the FTC. Crawford made clear that Kellogg's advertisements easily passed the FTC's requirement that health claims be substantiated. Indeed, in her view, it was the kind of advertising that should be applauded. The other two regulators agreed, at least to the extent they were willing to see the labels and advertisements continue while the FDA reviewed its policies.

The All-Bran campaign has not only challenged FDA's institutional interest in controlling all health claims and information, but also has presented the agency with a practical, line-drawing problem. Unquestionably, there are foods that help mitigate or prevent disease. If FDA allows unrestricted health claims for foods, however, then either it must review all foods as drugs—a budgetary impossibility—or it must come up with a new way to define drugs. Other-

wise, it fears, a remedy for headaches, or baldness, or AIDS could be marketed without testing by simply calling it a food. This vision of snake oils is the reason the All-Bran campaign has sent FDA scurrying to find a new line to draw between foods and drugs.

In September 1985, FDA formally invited public comments on its policies regulating health claims for food labels. Numerous petitions arrived, most of which either sided with FTC policy (reasonably substantiated claims should be allowed) or argued for permitting health claims only under strict regulatory review. The health claims issue has also arisen in Canada and in Western Europe, where government policies have generally attempted to stop the health claim movement before it starts.

Early last year FDA forwarded a proposed policy statement to the Office of Management and Budget (OMB) for regulatory review. Although not yet public, the details of the proposal are widely known. Health claims would be allowed (i.e., would not cause the product to be classified as a drug) if several criteria are met. These criteria include: (a) the claim must be educational, (b) the claim must emphasize the importance of total diet rather than the contribution of the individual food, (c) there must be "general agreement" in the scientific community that the claim is true, and (d) full nutritional information (as long defined by FDA) must be provided. In addition, FDA would create a federal interagency committee to actually draft permissible claims.

In short, FDA would loosen its reins, but only a little. The proposed policy would remain highly restrictive and would perpetuate a discretionary style of regulation.

For example, the requirement that a health claim be an "educational message" on "total diet," which may sound relatively innocuous, would have a chilling effect on the use of the health theme in food labels and advertisements. Such a requirement is analogous to requiring firms that make health claims to advertise not only for themselves, but also for their competitors. Firms are unlikely to do much of that. For similar reasons, firms (and consumers) are likely to find health messages drafted by federal employees of limited value.

The "general agreement" requirement, if interpreted like a consensus requirement, would be the death knell of rational, predictable regulation of health claims for foods. The reason is that no consensus view has yet to emerge on *any* significant contemporary issue on the health effects of foods. (Several researchers, for example, vigorously dispute the NCI position on fiber and cancer, and others oppose the National Institutes of Health's position on salt and hypertension.) There would be no room for even the limited accord given by the FTC to balance the potential benefits of "probably-true" claims against the potential costs if the claims turn out to be false.

The official declaration of a "consensus" would inevitably become a political act balancing vested interests rather than costs and benefits. A peculiar regulatory principle would be perpetuated whereby health foods suddenly become drugs because the manufacturer echoes the common advice of health professionals and consumer activists. The regulatory decision would depend not on whether the package causes consumers to think the product can help prevent disease, but on whether the claims fit FDA policy. Ad hoc exceptions (such as the one granted for sugarless gum) seem inevitable.

OMB has been slow to act on FDA's proposal and, in the intervening period, there has been an onslaught of advertising campaigns built around the health theme. Health is now used on labels and advertisements for other bran cereals and products as well as a variety of other foods, including low-cholesterol margarine (to reduce the risk of heart attacks) and calcium-rich foods (to help prevent osteoporosis).

And the market has responded in other ways as well: All-Bran sales have increased dramatically, new high-fiber cereals have entered the market, All-Bran has itself been improved, the combined market share of all high-fiber cereals and other products has increased substantially, and public awareness of the influence of diet on cancer and other diseases has certainly increased. The single-minded effort of manufacturers to exploit consumer health concerns has brought forth product improvements and better informed consumers.

The coming debate should be an interesting one. The argument will be made, if only implicitly, that profiting from the health concerns of consumers is somehow wrong (physicians are a particularly vigorous exponent of this view). Health information in advertising will be compared not to what consumers would learn without the advertising, but what they could learn from frequent "wellness" visits to physicians and careful study of brochures from the National

Institutes of Health. Regulators will be tempted to remove the imperfect health information now in advertisements and force a return to an emphasis on taste as the sole criterion for choosing what to eat.

Complicating matters, there will be some manufacturers chomping at the bit for restrictive regulation. One of Kellogg's leading competitors, finding itself at a short-run disadvantage in the newly chaotic breakfast cereal market, has already asked the federal government to halt the All-Bran campaign.

The combination of government and private interests in restricting health advertising could produce results similar to those in the cigarette market in the 1950s and 1960s (recounted in John E. Calfee, "The Ghost of Cigarette Advertising Past," *Regulation*, November/December 1986). One encouraging difference this time around is the Supreme Court's recent (since the mid-1970s) recognition of First Amendment protections against government control of "commercial speech." The Court's commercial speech doctrine is, however, heavily qualified, protecting only "truthful, non-deceptive" speech. To the extent federal courts defer to regulatory agencies over the deceptiveness of an advertising claim, the doctrine is circular and affords no protection at all. To the extent the courts decide for themselves what is deceptive, the doctrine effectively shifts regulatory jurisdiction from agencies to courts—a shift that may or may not result in better policy.

Unbridled competition and vigorous advertising have brought us foods that are convenient, tasty, and inexpensive (not necessarily all at once). It remains to be seen whether these same forces will be permitted to bring us foods that are also more healthful—or whether health will once again be considered too important to be left to the market.

Pink Slips and Politics

Legislation is pending before both houses of Congress to provide job search and retraining assistance for individuals who lose work as a result of plant closings or mass layoffs. The stated purpose of the legislation is to facilitate the adjustment of displaced workers to changing economic conditions. A careful look at the legislation suggests that it may not be so benign. By making it more difficult for firms to close plants or otherwise reduce their scale of operations, the legislation could undermine adjustment, raise labor costs, and quite possibly result in fewer new jobs.

While several aspects of the pending legislation are controversial, the provisions that would govern the way companies lay off employees are causing particular concern. Under the legislation (the provisions are the same in the House and Senate bills, H.R. 1122 and S. 538), a company would have to give its employees up to six months' advance notice before closing a plant or laying off 50 or more employees. It would then have to consult with labor representatives and local government authorities about the need for the layoff. Management would be obligated to disclose the (financial or other) information needed to evaluate the layoff. Companies that failed to meet any of these requirements could be fined, sued, and held liable for back pay to employees who lost their jobs.

The idea of mandatory advance notice was considered by the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, which reported to Secretary William E. Brock III in December. The idea generated a good deal of controversy—so much, in fact, that the task force was unable to reach a consensus and made no recommendation.

Proponents of mandatory advance notice, primarily organized labor, rest their case on two propositions: first, it would allow workers to find new (well-paid) jobs more quickly and avoid decisions predicated on continuing employment (such as buying a new house or car); second, too few firms are presently granting workers advance warning of impending layoffs. A survey by the General Accounting Office (GAO) has received widespread attention in this regard (reported in *Plant Closing: Advance Notice and Rapid Response*, OTA-ITE-321, Washington, DC, September 1986). Data from the GAO report have been cited to argue that two-thirds of workers laid off permanently received two weeks' or less advance notice, and that almost one-third received no notice at all. The same report is the basis for the claim that the average nonunion worker receives only two days' notice.

Critics of the proposal hold that mandatory advance notice would not significantly influence the notification practices of large companies in the event of permanent mass layoffs or plant

closings; it would, however, make employment adjustment more costly and would thereby discourage hiring. The net effect of mandatory advance notice would most likely be harmful.

In assessing the merits of these two views, it is worth considering the different ways in which firms can and do notify workers. *General* notice, as the term is commonly used, means notifying workers that a plant will be closed, or a shift cancelled, without specifying an exact date or identifying the specific workers affected. General Motors, in announcing last November that it would be closing part or all of eleven plants beginning later this year, provided general notice to its workers. *Specific* notice, on the other hand, refers to notifying particular workers that their jobs will be terminated on a particular date. When GM distributes the first pink slips, employees will receive specific notice.

The failure of proponents to distinguish between general and specific advance notice results in a serious understatement of the number of workers who actually receive advance warning of impending layoff. The GAO figures, for example, refer only to specific notice. When the more appropriate concept of general notice is used, the picture changes remarkably: 80 percent of firms reported giving advance general notice, with 55 percent giving notice at least two weeks in advance, and over 35 percent giving notice at least one month in advance. When both general and specific notice are taken into account, the number of establishments giving notice rises to 88 percent, with almost 60 percent providing more than two weeks. Evidently, advance notice is a common business practice.

Other studies report similar findings on the proportion of firms that give advance notice, but find that the average period of advance notification is even longer than reported by GAO. In a 1986 report by the Conference Board (*Company Programs to Ease the Impact of Shutdowns*), for example, over 45 percent of firms surveyed reported giving at least 90 days advance notice. In a 1987 study which focused on mass layoffs, the Bureau of Labor Statistics found that companies gave an average of 46 days advance general notice in over 35 percent of the cases.

But apart from the question of the prevalence of advance notice, what are the benefits of this practice? Contrary to what is implied by proponents, advance notice does not seem to help workers get better jobs or to find new jobs more quickly. In a 1981 study published by the Public Research Institute, economists Arlene Holen, Christopher Jehn, and Robert P. Trost estimated the earnings losses (the difference between actual earnings and what would have been earned had the worker not been caught in a plant closing) of workers who had received advance notice of a plant closing and otherwise comparable workers who had not. They found no evidence that advance notice reduces earnings' losses.

Michael Podgursky and Paul Swaim, at the University of Massachusetts, obtained similar results in an analysis of data from a 1984 Bureau of Labor Statistics' survey of displaced workers. They found that for the vast majority of displaced workers, advance notice neither reduces unemployment duration nor increases earnings on subsequent jobs. Only for white-collar females, who comprise less than 20 percent of displaced workers (as defined in the BLS survey), was advance notice associated with a reduction in unemployment duration or increased post-displacement earnings. For males and blue-collar females, advance notice had no significant effect on joblessness or wages.

Presumably, then, the primary benefit of advance notice derives from helping workers avoid decisions they might later regret, such as buying a new house or car. This, in turn, would suggest that the benefits of a mandatory provision would be inherently limited. Even if not alerted by the financial condition of their employer (one which is about to announce a plant closing or other mass layoff), most employees are alerted by advance general notice.

Interestingly, the actions of organized labor itself lend support to the conclusion that the benefits of advance notice are relatively small—or at least insufficient to offset the potential costs. According to a study by Bennett Harrison at Massachusetts Institute of Technology, in 1980 only 15 percent of collective bargaining agreements (covering 1,000 or more workers) included language requiring advance notice. Even though union workers would seem to have the most to gain from advance notice, and to be in the best position to bargain for it, the vast majority apparently do not view the benefits of advance notice as being sufficiently large to offset the wages and fringe benefits they would have to forego to obtain it.

As suggested at the outset, a significant component of both bills is concerned not with facilitating adjustments to changing economic circumstances, but with delaying or preventing those adjustments altogether. Consider the fact that the legislation makes no distinction between a plant closing or other permanent layoff and an indefinite layoff. Regardless of the expected duration, a layoff comes under the advance notice requirements. This means that a layoff that might last no more than a few days or weeks would require at least 3 months' advance notice, and possibly as much as 6 months' advance notice. While there is the clause which waives the notice requirement in the event of "unforeseeable business circumstances," employers have the burden of proof to demonstrate that the need for the layoff was not foreseen. One can only imagine how the courts would interpret this provision.

The treatment of indefinite layoffs would have serious implications for the way firms adjust to short-run changes in demand. By limiting firms' ability to respond to routine inventory fluctuations—fluctuations which may or may not be viewed as "unforeseeable" by the courts—the legislation would force firms to make adjustments in other (presumably less efficient) ways. One obvious alternative would be for firms to make permanent reductions in the size of their workforce, then rely more heavily on overtime. In attempting to preserve jobs, the legislation could thus have the perverse effect of reducing the total number of jobs available. Alternatively, firms might rely more heavily on part-time or temporary employees (who are not covered by the proposed legislation), or might maintain larger inventories as ways of buffering demand fluctuations.

The proposed legislation would also inhibit adjustment through the provisions that mandate consultation and disclosure. After a firm has notified workers of an impending layoff—but before it can actually begin dismissing them—the firm must consult "in good faith" with labor and local government officials on ways to avert the plant closing. In meeting this requirement, the firm must provide "such relevant information as is necessary" to evaluate the need for the closing. Apart from raising some serious privacy concerns (would firms have to disclose financial statements, transcripts of meetings, and the like?), this provision opens up a host of possibilities for legal actions to delay and prevent plant closings. In addition, with local government officials involved in negotiations it is always possible that taxpayers will end up footing the bill for keeping unprofitable plants afloat.

Although stories abound of "Friday night shutdowns," where employers allegedly close plants by surprise, there is no systematic evidence that the layoffs that do occur without warning (or with only minimal warning) are the result of anything but unanticipated events, such as the failure to obtain a major contract or a slump in sales. Business conditions change rapidly, and lengthy warning is simply not always feasible—as is recognized (though not necessarily accomodated) by the waiver provision in the proposed legislation. Imposing advance notice requirements across the board would entail significant costs for many employers. These costs—which include not just excessive wage bills but also diminished access to credit markets, loss of customers or suppliers, and reduced productivity—have the potential to bankrupt otherwise healthy firms.

There is little doubt that plant closing restrictions of the type embodied in H.R. 1122 and S. 538 can save some specific jobs, at least temporarily. As with any protectionist legislation, however, those jobs are likely to be saved by sacrificing others. In addition, requiring firms to keep workers on the payroll beyond the point at which it is profitable to do so can only discourage them from opening new plants or otherwise expanding their scale of operations. Contrary to the stated goal of helping workers displaced by economic change, the mandatory advance notice requirement is likely to impede routine adjustments to temporary changes, with little or no beneficial impact on workers adjusting to permanent changes.