

Graduate Students Unite?

BY JOHN GEHMAN

Yale University

LAST OCTOBER, THE NATIONAL LABOR RELATIONS BOARD (NLRB) rekindled the controversy over graduate student labor unions. An NLRB panel decided that “ample evidence exists to find that graduate students plainly and literally fall within the meaning of ‘employee’” as used in the 1935 National Labor Relations Act (NLRA). This decision opens the way for graduate student organizations to form federally recognized labor unions and engage in union activities including striking and collective bargaining.

The October decision overturned several NLRB rulings from the 1970s that “the mutual interests of the services being rendered [by graduate students] are predominantly academic rather than economic in nature [and therefore] are completely foreign to the normal employment relationship and ... not readily adaptable to the collective bargaining process.” Those rulings, unlike the recent one, showed an understanding of America’s system of higher education — a system that does not easily adhere to the labor-management model. But, absent legal challenges, the new decision ends the long and vehement debate over the nature of graduate students’ “employment.” It also opens the way for considerable difficulties for the academy and society.

UNIONIZING AT YALE

SOME OF THESE DIFFICULTIES CAN BE SEEN AT YALE University where the Graduate Employees and Students Organization (GESO) — a federation of union activists — has tried since 1991 to attain union status. GESO claims that grad students are victims of a “casualization of intellectual labor” as American universities increasingly heap the burden of teaching and research on inexpensive, non-tenure track personnel (particularly graduate students) in the course of corporate-style “downsizing.” This trend will worsen, group leaders say, as universities increase undergraduate enrollments in an effort to boost tuition revenues. The organization argues that this practice will have a number of negative effects on graduate students, including creating a glut of doctorate-holders who have diminishing hope of attaining increasingly scarce tenured faculty positions.

GESO believes that if graduate student organizations

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were to gain the status of labor unions, they could successfully demand higher graduate assistant “wages.” That, in turn, would make graduate students/teachers so expensive that universities would opt to hire tenure-track professors instead, creating job openings for Ph.D.s. An unstated secondary outcome is that universities would subsequently accept fewer graduate students, reducing the number of future Ph.D.s. Thus, GESO leaders believe, a graduate student union would result in better paid, albeit fewer, graduate students and more career opportunities in the professoriate.

ENTER THE LABOR UNIONS

NATIONAL LABOR UNIONS, MOST NOTABLY THE HOTEL Employees and Restaurant Employees (HERE) and the United Auto Workers (UAW), are helping disgruntled graduate students with their cause. At Yale, HERE gave \$310,000 in grants between 1997 and 1999 to GESO to promote its activities. When this amount is contrasted with the \$22,662 in student contributions made over the same time period, it becomes difficult to argue that the unionization movement really revolves around an independent graduate student agenda.

What return is organized labor expecting from its investment? Union membership rates have steadily declined since labor’s heyday in the mid-twentieth century to the current level of 14 percent of the national work force. To compensate for this decline, AFL-CIO president John Sweeny recently stated that unions must adapt by including a broader membership. There are not many individual shops to which a union can introduce itself to gain 2,000 or more members at once. Bringing America’s graduate students into the labor ranks would provide national unions with new members and income from a sector that does not face competition from abroad or downsizing from technology.

THE UNIONS AND ACADEMIA

BUT CAN LABOR UNIONS BE GOOD STEWARDS OF HIGHER education? Contemporary public discourse is replete with opposition to “corporatization” of American universities, and this concern certainly warrants attention and discussion. But are labor unions a sensible way to resist this corporatization?

Conventional union laborers are union members for the duration of their working lives. The union, by negotiating

labor-management contracts that run for several years, provides the security and safety that workers may not otherwise have in their jobs. Graduate students, in contrast, are generally in and out of the university in five or six years. They attend graduate school not for an immediate livelihood, but for an education. Given these differences, there would be a number of difficulties in applying the labor-management model to the academy:

Negotiating contracts If a graduate student union existed, graduate students would typically be subject to contract terms negotiated by students who graduated ahead of them. The current students would have no recourse to change the terms until it is their turn to renegotiate. But, since the new contract would likely be in effect for years after the graduate students/negotiators graduate, the contract would likely have little meaning to the negotiators' own graduate careers.

Job descriptions In the normal labor-management scenario, employees do their jobs according to specific job descriptions. Agreements specifically designate the workday hours and the work season. However, as only a fraction of a graduate student's total time is spent in "service" to the university, it would be difficult to formulate such specific descriptions. Would graduate students be members of the union only during the semesters in which they are teaching or otherwise performing services for the university? If they may be union members without teaching, on what basis are they employees under the NLRA? In some cases, a graduate student's teaching requirement is disconnected entirely from the source of his stipend; should his teaching assignment be subject to union-negotiated terms?

Relations with the professoriate The prospect of a graduate labor union raises difficult questions about student-faculty relationships. How does a dissertation adviser simultaneously serve as adviser and supervisor? Where is the line drawn between interactions that must have a union representative present and those in which an adviser and student

may be free to discuss matters as colleagues? Moreover, how many typical union members, after a few years of negotiated interactions with their employers and supervisors, become the employers and supervisors?

Aside from these problems, evidence suggests that college students and society as a whole stand to realize little benefit from graduate labor unions. Graduate assistants at the University of Massachusetts at Amherst (where state law permits graduate student unions at public universities) suffered through two years of no stipend increases before their most recent contract was settled. At the University of California, Berkeley, students waited for five years. Meanwhile, when graduate school administrations operate in the free market, improvements happen naturally. Stipends in the sciences at Yale, for example, rose 13.5 percent over the last four years while the northeast Consumer Price Index increased by only 5.5 percent.

Instead of improving their economic condition, unionized graduate students could see their expenses rise. If graduate students are officially considered employees, they will likely lose the tax-free status on their tuition waivers. This would mean the students

will pay much higher income taxes. If universities attempt to offset this by boosting stipends, the schools would have to pass that cost on to tuition-paying undergrads or — in the case of public universities — to taxpayers.

I would argue that the goals of labor unions do not coincide with the priorities of higher education. Ultimately, a graduate student labor union is not about unsafe working conditions, child labor, 14-hour work days, or anything else that the authors of the NLRA were addressing. For unionist graduate students, it is the means by which they can create the jobs they feel that they deserve. By sanctioning graduate student labor unions, the NLRB is now aiding and abetting this thinly veiled attempt to manipulate America's system of higher education for the sake of one generation of graduate students. **R**



VOICING THEIR DEMANDS: Yale graduate students rally for unionization.

Obstructing Olestra

BY HENRY I. MILLER, M.D.

Hoover Institution

DESPITE BEING A NATION OF OVEREATERS, most Americans are concerned about the health effects of too much fat. We cling to the hope that we can somehow have it both ways: eat chips, fries, and ice cream but not suffer the consequences. Fat chance! Some 61 percent of American adults are overweight — an all-time high — and more than a quarter are obese, according to a 1999 Health and Nutrition Survey released by the Centers for Disease Control.

As we grow fatter and suffer from diabetes and high cholesterol in record numbers, federal regulators are limiting the availability of an important tool for controlling calories. Five years ago, the Food and Drug Administration (FDA) approved a formidable weapon in the war against dietary fat: a cooking oil called olestra that adds no fat or calories to food. Olestra is created by chemically linking table sugar with cottonseed or soybean oil, producing a molecule that is too large for the body to absorb and digest.

In 1996, after eight years of analyzing copious data and consulting outside experts, the FDA acknowledged the product's safety and permitted olestra-creator Procter & Gamble to use the oil in the making of potato chips, pretzels, and other snacks. Since then, the company has begun selling a low-fat, olestra-containing version of its popular Pringles potato snacks. Frito-Lay — the world's largest potato chip manufacturer — has introduced low-fat and nonfat versions of its five most popular brands of snacks, all made with olestra.

IMPROVING OUR DIET

U.S. DIETS ARE DOMINATED BY FAT, AND FAT CONSUMPTION relates heavily to three of the nation's four top health concerns — heart disease, cancer, and high blood pressure. When Americans, over the past few years, opted to eat 3 billion servings of olestra-made snacks instead of their full-fat equivalents, they reduced the nation's overall food intake by 225 billion calories and 33,000 tons of fat.

Recent studies show that eating olestra-containing foods correlates with various measures of improved health. The Fred Hutchinson Cancer Research Center in Seattle found that people who ate olestra snacks had lower intake

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of both total dietary fat and saturated fat. Moreover, they had lower levels of the unfavorable LDL cholesterol in their blood. The test participants also showed an eight-percent average level of cholesterol reduction, which is similar to what is achieved with a high-fiber diet. (Give me tortilla chips instead of shredded wheat any day!)

Another study by the Nebraska Medical Center found that people with early signs of heart disease experienced a dramatic increase in cardiac blood flow and lower blood triglycerides after switching from a high-fat diet to an olestra-containing diet. Of course, the test participants would likely have achieved similar results if they switched to nonfat foods made without olestra, but the better taste of the olestra-made meals increases the likelihood that participants will stay with the diet. Given these and other findings, there is no question that olestra is a boon to public health.

But the product could be used in even more ways to lower Americans' fat intake even further. Olestra is uniquely versatile and can be used in place of margarine, butter, lard, and other cooking oils for frying, baking, and sautéing. More importantly, it can be used to replace unhealthy fat and oil in other foods. Some of the most popular foods in America — pizza, hot dogs, and peanut butter — could all be made leaner if they were made with olestra. Ham and turkey sandwiches, and many salad dressings, could also lower their fat amounts by substituting olestra-made mayonnaise in place of the full-fat variety.

Widespread use of olestra could enable more people to adhere to the American Heart Association's recommendation that persons consume less than 30 percent of their total calories from fat. As a solution to Americans' constantly expanding waistlines and increasing blood pressure and cholesterol levels, olestra is the closest thing to a free lunch.

TUMMY ACHES?

OLESTRA IS THE MOST TESTED FOOD SUBSTANCE IN human history. Over the past 30 years, researchers have conducted more than 150 animal studies on the product and 100 human clinical trials involving more than 24,000 adults and children. Olestra's human testing has been even more extensive than the clinical trials for most prescription drugs.

These studies revealed a potentially significant negative effect of the substance: olestra molecules bind with fat-soluble vitamins and minerals, reducing the amount of these beneficial substances that are absorbed during digestion. However, this binding problem is no more severe or frequent

than in other common foods such as milk and tea. Moreover, snack manufacturers who use olestra enrich their products with additional vitamins and minerals which, according to Hutchinson Center researchers, offset any olestra-caused reduction in overall vitamin availability.

The other negative effect documented by the FDA is the occurrence of mild gastrointestinal symptoms in a small number of consumers. However, the frequency of these symptoms appears to be no greater than for consumers who eat the regular, full-fat foods. A large clinical study by the Johns Hopkins University showed no statistically significant differences in digestive symptoms in a study of 1,000 moviegoers who consumed either the olestra-made snacks or their full-fat equivalents. Like the rest of us, study participants could not eat just one; median chip consumption (olestra or full-fat) was more than double the standard one-ounce serving size. One-quarter of the test participants ate more than four ounces of the snacks, which means that the olestra versions “saved” these participants four times the amount of fat (and the corresponding calories) found in a standard serving!

Another group of researchers reported in a recent issue of the *American Journal of Gastroenterology* that olestra-made snacks appear to cause a lower incidence of gastrointestinal symptoms than universally lauded high-fiber bran cereal. In these studies, researchers gave test participants either five ounces of olestra-made snacks (five times the standard serving) or a half-cup of bran cereal (twice the standard serving). The bran-eaters experienced more stomach discomfort than the olestra-snackers.

THE PUBLIC INTEREST

DESPITE ALL OF THIS GOOD NEWS ABOUT OLESTRA, FDA regulators have refused to expand the product’s use beyond the preparation of fried snacks. What is more, the agency continues to require foods made with olestra to carry intimidating labels that warn about olestra’s possible gastrointestinal symptoms — but without any mention that the symptoms are no more common than for full-fat snacks. If the FDA will not be an actual advocate for wider use of this boon to public health, it should at least “do no harm” and discontinue the off-putting, misleading labels.

Why would federal health regulators unnecessarily restrict such a desirable and popular product? They may be responding to the near-hysterical opposition to olestra by

one special interest group, the D.C.-based Center for Science in the Public Interest (CSPI). This is the same group that published scathing criticisms of Chinese, Mexican, and Greek foods, and movie theater popcorn.

For more than a decade, CSPI has forsworn both common sense and overwhelming scientific evidence in attacking olestra. Its executive director, Michael Jacobson, called olestra a “public health time bomb.” On ABC’s *World News Tonight*, he proclaimed that “the only kind of label notice [on olestra products] that would be acceptable to us would be ... a skull and crossbones.”

Why is CSPI doing this? Maybe to boost the organization’s humming little business. The center claims that it finances most of its budget through sales of its newsletter, the *Nutrition Action Healthletter*, which has a circulation of 800,000. Keeping up that

circulation requires a lot of hype. One way to generate that hype is to stigmatize popular products. CSPI whips up its constituency by avoiding equivocation in the form of what Jacobson calls “weasel words” — scientifically accurate qualifiers such as “suggests” and “maybe” — when reporting on the findings of scientific research. Instead, Jacobson says, he prefers “directness.” But “directness” and smug certitude are not science and, on the scientific merits of olestra, CSPI is way off base.

We should not forget that CSPI has warned us away from popcorn and Mexican, Chinese, and Greek foods because of their fat content. But it is fat content that olestra reduces, effectively and safely. How ironic that this “consumer group” vilifies a product that

can help people reduce their fat consumption in a culture where high-fat diets rank among the leading threats to public health.

The FDA’s failure to permit — let alone promote — wider use of olestra represents the most lamentable kind of regulatory decision-making. If the FDA is unconvinced about the importance and safety of olestra, the agency is myopic or simply incapable of interpreting the data. If the FDA is yielding to CSPI’s specious claims, the agency is letting consumerist politics, and not science, affect its commitment to the public interest. Whatever the reasons, the regulators have been cavalier toward public health, preemptive of consumers’ freedom to choose, and punitive to a company that spent hundreds of millions of dollars in good faith to develop a safe and effective product. Perhaps the new leadership coming to FDA in the Bush administration will put an end to the fat-uous decisions about olestra. **R**



As a solution to Americans’ expanding waistlines and rising cholesterol, olestra is the closest thing to a free lunch.

Consumers in the Wringer

BY GLENN R. SCHLEEDE

Energy Market & Policy Analysis Inc.

EARLIER THIS YEAR, OUTGOING CLINTON administration officials at the Department of Energy (DOE) approved a new set of efficiency standards for clothes washers. The standards, which will be implemented in two steps in 2004 and 2007, will probably force American consumers to purchase front-loading washing machines like the ones commonly found in laundromats. According to DOE, the new standards will lower future energy costs for American consumers. The officials gave much less attention to DOE's projections that the guidelines will dramatically increase washing machine prices, offsetting the energy savings for tens of millions of purchasers.

Capitol Hill and washing machine manufacturers have offered little criticism of the new standards, due in large part to a DOE arrangement to give hundreds of millions of dollars in tax credits to manufacturers whose clothes washers surpass the guidelines. Energy officials further minimized opposition to the standards by not extending last fall's comment period on their proposal past the 60 days required by law. For DOE, two months was sufficient time for consumer advocates to study the data, models, and analyses contained in the proposal's 600 pages of Technical Support Documents (TSDs) and in countless agency computer files.

The impossibly complex standards-setting process, the special treatment given to industry and energy efficiency advocates, DOE's continuing failure to consider the interests of real consumers, and federal regulators' further restricting of choice in the marketplace should leave Americans feeling as though they have been put through the wringer.

COSTS AND GAINS

REAL CONSUMERS SHOULD NOT OBJECT TO INCREASED efficiency standards if the financial benefits of those standards exceed the extra costs. But DOE projects that roughly one in every five washing machine purchasers will not recover the projected \$249 increase (in 1997 dollars) in those appliances' price under the 2007 standards. That equates to some 40 million washing machine purchasers between 2004 and 2030 who the new standards will make into financial "losers." What is more, DOE adds, some 28 percent of senior citizens who purchase the new machines will not recoup the price increase.

As worrisome as these figures are, I believe they underestimate the number of "losers." The models and analyses

presented in DOE's supporting TSDs are dependent on uncertain assumptions and questionable and incomplete data. The data may be acceptable for making rough, generalized estimates about consumption and costs, but the information clearly does not provide a good basis for decisions about energy standards that will add billions of dollars to consumers' costs.

What is more, DOE statistics show that households have a wide range of appliance usage and energy costs. This makes it difficult to predict how many millions of consumers will be financial losers under the new standards. If a consumer washes two loads of laundry a day and lives in an area with high energy costs, he probably will see an overall savings (if the appliances does not wear out in less time than the DOE-assumed 14.5-year life cycle). But consumers who wash their clothes less frequently or who live in areas with low energy costs have less chance to recover the increase in the purchase price.

What is gained in exchange for the higher prices? DOE's own figures indicate that the new standards will have a negligible effect on energy usage and the emission of pollutants. The agency trumpets its projection that the new washing machines will save just over 5.5 quadrillion Btu between 2004 and 2030, but that represents less than two-tenths of one percent of the 3,400 quadrillion Btu the nation will use over that time. DOE also claims that the new standards will cut carbon emissions by 95 million metric tons over the same time period, but that equals less than two-tenths of a percent of the nation's projected carbon emissions. It is likely that technological advancements over the next quarter-century will produce more significant energy savings and lower emissions than the costly new standards.

THE BACKROOM DEAL

AS IF THE INCREASED PURCHASE PRICE WERE NOT enough, taxpayers will see an additional cost because of DOE's deal with appliance manufacturers that will send hundreds of millions of dollars in tax credits to the manufacturers. Energy officials arranged these tax breaks in a series of "joint stakeholder" meetings — unannounced to the public — with manufacturers and efficiency advocacy groups. Under the deal, appliance makers would receive a \$50-per-unit tax credit for each washing machine and refrigerator/freezer they make that meets a certain efficiency level, and a \$100-per-unit credit for appliances that meet an even higher level. The only limit on the tax break is that no company can earn more than \$30 million per year in credits at each efficiency level, and the

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total annual amount of the tax break cannot exceed two percent of annual corporate gross profits.

The arrangement does not require manufacturers to pass the tax savings on to consumers. Instead, purchasers who will pay the washing machines' higher prices will, along with other taxpayers, shoulder an increased amount of the nation's tax burden as it shifts away from appliance manufacturers.

Of course, Congress must approve the tax breaks in order for them to take effect. But taxpayers are unlikely to gain relief from Capitol Hill; several members with ties to industry or to energy efficiency groups are lauding the tax break deal. Sen. Chuck Grassley (R-Iowa), who is primary sponsor of the bipartisan bill to officially adopt the tax credit plan, praised the arrangement for shifting between \$75 million and \$150 million in tax burden away from appliance manufacturers in his state.

CONSUMER INTERESTS

THE ENERGY DEPARTMENT, WHEN ESTABLISHING EFFICIENCY STANDARDS, has repeatedly failed to consider the interests of consumers. Instead, the agency sides with companies and special interest groups that want to limit choices and raise costs for American consumers. As a Whirlpool representative remarked during a 1996 meeting on the tax credit deal, forcing consumers to buy more expensive appliances with unwanted features "is easy if there's a standard in place. It's not a matter, necessarily, of consumer acceptance."

In arranging "joint stakeholder" meetings like the ones that hashed out the tax credit deal, DOE may include organizations with the word "consumer" in their name. But these groups seldom represent real purchasers. Instead, the agency regularly accepts the analyses of efficiency advocates who favor standards that increase consumer costs and diminish choice. What is more, DOE pays these advocates millions of dollars each year to produce studies and reports that praise department programs and proposals. The

agency has not made similar arrangements with nonprofit organizations that are genuinely devoted to the defense of real consumers' interests.

If DOE did consider consumer interests, it would not establish standards using an incredibly complex evaluation scheme that disenfranchises

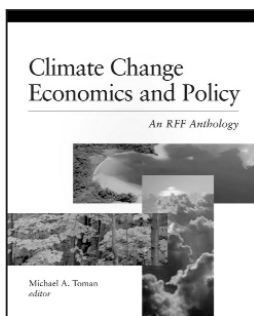
ordinary citizens. It would not bend to the influence of special interest groups that have considerable time, money, and political capital to employ in influencing the regulatory process. Instead, the agency would show concern that increased washing machine prices will likely force more poor families to depend on laundromats for clean clothes. A consumer-friendly DOE would consider worries that front-loading washing machines may be more difficult for seniors to load and may present a danger to small children interested in exploring tight spaces. Most of all, the agency would appreciate that 15 of every 16 washing machine now purchased in the United States would be outlawed by the DOE's new standards. **R**

If DOE did consider consumer interests, it would not use complex schemes that disenfranchise ordinary citizens.



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