

The fox is in the hen house

By Frances Russell

*Doublespeak - language deliberately constructed to disguise its actual meaning.
Disinfopedia, the encyclopedia of propaganda.*

No better an example of doublespeak exists than Health Canada's new consultation paper entitled *Health and Safety First! A Proposal to Renew Federal Health Protection Legislation*. Its aim is replacing outdated statutes with a new legislative regime better suited to modern technology and society. Internal Health Canada documents do the decoding. Canada's Food and Drugs Act is outdated because it has too narrow a focus on safety.

That's right, a food and drugs act condemned for having too narrow a focus on safety. But if a food and drugs act isn't about safety, what is it about?

Try unleashing business energies, improving the efficiency of regulation and reducing the regulatory burden on business to enhance global competitiveness and spur economic and job growth.

A 1994 Industry Canada publication, *Building a More Innovative Economy*, cited all the above as ways to give Canada a trade edge in biotechnology and food, health and therapeutic products.

Notions like public governance, mandatory compliance and labelling, independent inspections and testing and finally, duty of care enforceable by criminal liability, are obsolete and have to go. Presto! Public regulators are forced into becoming skills for private drug, food and biotechnology interests.

The list of federal agencies that already are or soon will be in severe conflict of interest - that is, required simultaneously to police and promote new biotech inventions - include the Canadian Food Inspection Agency, the Therapeutic Products Directorate, the Office of Biotechnology and Science, the Pest Management Regulatory Agency and the Food Directorate.

The fox in charge of the hen house mentality on the environment and public health is not new. It originated in Britain under Margaret Thatcher and the U.S. under Ronald Reagan. It arrived in Canada under Brian Mulroney and was embraced by the Liberals.

In 1997, Ottawa quietly dismantled the Bureau of Drug Research, Canada's independent and world-renowned public scientific laboratory. Federal scientists who used to do their own tests on drug quality, toxicity, bioequivalence, allergenicity, natural products and clinical application of drugs now must work in concert with the corporate inventors and patent-holders who stand to earn millions if not billions in sales.

Then-deputy health minister David Dodge was refreshingly frank to Canadian senators: "We have chosen to use the tool of creating intellectual property rights to get the work done as opposed to having government agencies do it themselves."

The current governor of the Bank of Canada expanded further on the theme in 2000: "We have to tear down the walls between government and industry, he said, and work effectively with our external collaborators and partners."

The Canadian Health Coalition, medicare's watchdog, is blunt. Government and industry elites have made their choice. Economic growth and corporate profits will trump the protection of Canadians health.

Continues the CHC's Mike McBane: "Instead of government regulation intervening in the market, the market will now intervene in government regulation. Canada's strategy is that it is better for 10 hazardous products to be approved to the detriment of human and environmental health than that one safe product be erroneously restricted."

Under Ottawa's planned update of the Food and Drugs Act, Canada's health regulators will be charged with promoting the very same highly-controversial scientific breakthroughs that are most alarming to Canadians - genetically-modified foods, gene therapies, bio-pharmaceuticals, reproductive technologies, animal-to-human transplants, cloning and patenting life forms.

Health Canada itself says its focus will shift from health protection to what it calls risk management. The public (by the way, the Health Canada paper prefers the word consumer) will take all the risk. Industry won't have to prove new drugs and foods safe. They will be assumed to be safe until harm is proven. And if harm should occur, citizens will have no recourse to the courts to sue for regulatory negligence.

This defies a solemn warning by Justice Horace Krever. In his 1996 report on the infiltration of HIV/AIDs into the Canadian blood system thanks to blood purchased from an Arkansas prison, a catastrophe that cost many Canadians their lives, Justice Krever said: "The relationship between a regulator and the regulated must never become one in which the regulator loses sight of the principle that it regulates only in the public interest and not in the interests of the regulated."

Announcing the consultation last summer, then-Health Minister Anne McLellan said one of government's most important responsibilities was to ensure an effective and responsive health protection system. Canadians, she said, have a right to expect safe food, drugs and household products.

Why, then, does Health Canada say it plans "smart regulation." Decode that Orwellian weasel phrase and you get private self-regulation for profit.

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