

PROFESSIONAL RELATIONS

BULLETIN

Division of Professional Relations

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DENNIS CHAMOT, *Editor*

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FROM THE EDITOR . . .

BYLAWS APPROVED

AS those of you who read the back pages of *C&EN* know, our bylaws were approved by the Council at its April meeting in Los Angeles. There was opposition even at this late date. Some members of Council who seem to be easily frightened looked at our proposed objectives and flinched at the word "represent." Believe it or not, they thought someone could interpret this as meaning that the Division sought to represent its membership in negotiations with their employers! Now, I am employed by a labor organization, and I can certainly see the need for chemist unions in many areas, but one would have to be pretty masochistic to want DPR to represent him in labor negotiations. DPR has neither the skills, nor resources, nor the structure for such a function. (By the way, those of you who are interested in unions for chemists can write to me for information, or look for me at the Atlantic City ACS meeting in September. Also, look for a hospitality suite sponsored by the Council of AFL-CIO Unions for Professional Employees).

Another objection centered around the question of whom we would speak for. It was feared that we might have a lot of affiliates, not members of ACS, who could run the affairs of the Division. Good sense finally prevailed, and it was accepted that "members" were members of the Society. All officers and Executive Committee members must be members of ACS, according to the bylaws.

Anyway, as I said, our bylaws were approved. The nominating committee is currently following the proscribed procedures, and we hope to hold an election of officers soon.

ATLANTIC CITY

Our Program Committee, chaired by Gordon Nelson, has outshone itself this time. Check *C&EN* for details, but here are some highlights: Monday — Symposium on

Professionalism — a Progress Report; Tuesday — Symposium on Scientists and the Legislature; Wednesday — Symposium on Social Significance for the Chemist. Also, note that the *Division Annual Business Meeting* will be held on Monday, September 9, at 3:30. And, very important, the DPR social hour will follow at 5:30.

While all of our planned programs promise to be quite interesting, the all day (Tuesday) symposium on scientists and legislation deserves particular note. There will be people from Illinois, New York, Michigan, California and Massachusetts. Papers will range from broad generalities to nitty gritty. Plan to attend what should be a very valuable educational experience.

CONTENT

The main articles this time are based on talks presented at our sessions in Los Angeles. I hope you find them as interesting as I did. There's a lot of practical info on a very important subject. Chemists must master the

techniques for influencing our elected representatives so that our problems will be attacked. Who will look out for chemists if we don't do it ourselves?

By the way, I want to make one point perfectly clear. I am speaking about *legal* and *ethical* methods for informing and influencing legislators. Make no mistake about that.

I also invite you to try a little game. Plot your salary vs. time for ten years or so. Then take out the effect of inflation, using the changes in the Consumer Price Index as a rough guide. Plot again, and see what's happening to your *real* income. You may be in for a shock. (See bottom of p. 3).

COMMERCIAL

If you like what we are doing, keep up your membership. Get several friends to join. Don't let others read your *Professional Relations Bulletins*; urge them to join the member oriented division, and get their own copies.

—Dennis Chamot

APPLICATION FORM — DPR-ACS

I am a member of the American Chemical Society. Please enter my membership in the Division of Professional Relations. Enclosed is \$4* to cover dues through December 31, 1974.

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American Chemical Society
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Rahway, New Jersey 07065

(*Make checks payable to DPR-ACS)

THE LEGISLATIVE PROCESS: A CASE STUDY

Hon. Walter Powers, *8th Assembly District*

Sacramento County [Cal.]

Chairman, Commerce & Public Utilities Committee

While I'm honored to be invited to present this paper, I am quite embarrassed, because I think the original invitation came because I'd authored legislation in 1970 and '73 which would have created a new occupational license in California, for analytical chemists. I am somewhat embarrassed because the legislation failed. I'd like to tell you a bit of why it did fail. I hope that this specific case history will be instructive.

California, like most states, has required by law that many occupations may be practiced only after obtaining a license from the state. The conditions for most of these licenses are a certain amount of education, a certain amount of experience under a practicing practitioner, and success on a written examination. Most occupational licensing laws are administered by a board appointed by the governor consisting of licensees, i.e., members of the occupation, and representatives of the general public. The licensees generally form a majority of the board.

The bill I carried for a licensing system for analytical chemistry followed this pattern. We have a Department of Consumer Affairs in California state government which is an umbrella agency under which are almost all the occupational licensing boards. The legislation would have created a board of registration for analytical chemists located in the Department of Consumer Affairs.

The board would have consisted of seven members: 5 licensed analytical chemists, and 2 members from the public. The board would have had six basic functions: It would have approved the curriculum of schools of analytical chemistry; set the standards of experience and education of analytical chemists; set standards for those applying for licenses; prepared and administered an examination of competence to applicants; issued licenses to those who met these standards and passed the examination; and acted as a policeman, to discipline licensees who violated several specific provisions of the law.

The education and experience requirements were defined in some detail in the legislation. The examination of competence was given some detail, also. It was to be a two-part examination. The first part was to be on the fundamentals of analytical chemistry; the second part was to test the applicant's ability to apply his knowledge and to assume responsible charge of analytical chemistry work.

After clearing these hurdles the applicant would be given a license. As the chemists prefer to say, the applicant would be registered. The bill would have made it a misdemeanor to practice analytical chemistry without a license. Thus the definition of

analytical chemistry becomes very important. The bill would have defined an analytical chemist as quote, "Any person who offers to carry out and certify for the public, qualitative or quantitative determinations of the composition and physio-chemical properties of materials." Quite a broad definition. The bill would have exempted certain people. But, and this is significant, all of them were required to have some other occupational license, such as MDs.

This bill would have grandfathered many practicing chemists. Grandfathering is a term used for a practice and process used to allow those already practicing in the field to have a license on the basis of their education and experience alone without requiring them to pass the examination. The bill would have grandfathered—licensed on the basis of 5 years experience.

Finally, the bill would have permitted reciprocity with other states which have licenses for analytical chemists. It would have permitted the board to give temporary licenses to those from out of state to work on specific projects in California not to exceed more than 60 days.

It was a pretty good bill. Unfortunately it failed like many other good bills. It was defeated on the floor of the Assembly. Why did it die? Why does legislation which seems as beneficial and as noncontroversial as a Mother's Day resolution to most chemists get voted down by the state legislature? Well, I think the basic underlying factor was the suspicion with which the legislature views any bill which creates a new occupational license. One way of looking at such a bill is a law which says to a man that you may not earn your living in this particular way without getting the permission of the state.

The Legislature has not wanted to carve the labor force up into small little preserves. Another aspect of this which is troublesome, it is always *some* members of the occupation who ask for a licensing law. Every licensing law seeks to regulate the profession under the control of that profession. Always control is vested in a board with the licensees in the majority. To an outsider and to the legislature, proposed new licensing laws usually seem suspiciously self-serving. This perennial problem is countered at least in the case of successful licensing bills with a strong showing by the fact that the public's health and welfare will be protected by the licensing of another occupation. The only way to overcome the legislature's natural reluctance to forbid the practice of an occupation to anyone but licensees is to prove that the practice of the occupation by non-licensees presents a real and substantial danger to the public.

Those seeking the creation of a new occupational license should never address themselves to the benefit of the occupation itself from a licensing law because those benefits are not the proper reason for the enactment of the licensing law. The proponents of a new licensing law should concern themselves fully with the benefit to the public.

It is in this area that some of the greatest mistakes were made on the bill. First, the legislature was told that the bill would benefit the occupation in two ways. We were told that it was difficult to achieve a decent level of earnings as an analytical chemist when anyone could offer to perform the same services. We were led to believe, in effect, competition among people who offered analytical services was keeping prices low. Now that might seem a problem to members of an occupation, but to an outsider that appears like the American system working at its optimum level, that is, competition setting prices. It may be that we misunderstood this aspect of the case for the new license. If so, this part of the case must be made better the next time we try to get the bill enacted.

The second mistake was the argument that an occupational license would raise the status of the profession. It is not that anyone objects to raising the status of analytical chemists, but it does not seem to be a proper use of the law, to use it for raising the status of any profession. Just as in the case of the relatively low pay of chemists, this business of status seemed to be self serving and to not have anything to do with the protection of the public.

There are arguments that the bill would indeed protect the public. Reference was made to a number of public programs which utilize chemical analyses, particularly in air pollution, water pollution and medical fields. Reference was made to the proliferation of certification procedures springing up around each program. It was argued that it would be more efficient to have a single certifying agency, rather than a separate one for every new program. The problem with these arguments for the bill is that they were not made by anyone understood to be representative of the general public interest, but by analytical chemists themselves.

Thus far I have discussed two problems which contributed to the defeat of this bill. The natural reluctance of the legislature to enact protective legislation for any given occupation, and the self-serving arguments made in favor of the bill. There was a more important problem. That was the opposition of an influential member of the legislature. Assemblyman Leroy Green, a fellow Democrat from Sacramento, with adjoining districts, and Chairman of the Assembly

Education Committee, stood up and apposed 1147 when it got on the floor.

Assemblyman Green is the only engineer in the Legislature and many members look to him when any bill concerning scientific pursuits is discussed. But it was not just that Mr. Green opposed the bill, it was the grounds on which he opposed it. Mr. Green had many grounds for his opposition. In the legislature it is not always necessary to prove your point, it is often only necessary to create doubt or uncertainty. When faced with uncertainty legislators, like most people, are more likely to say no, or wait, or maybe later. Well, Mr. Green did create doubt and uncertainty. I'm not sure yet whether the assembly's vote against the bill meant no, wait, or maybe later. Perhaps we will find out the next time we attempt to get the bill enacted.

Mr. Green's first argument against the bill was just what I've been talking about. There is no public clamor for the licensing of analytical chemists. This is simply special interest legislation. We have not talked enough about this argument. There is not time to go into further elaboration of this theme.

His second argument was that analytical chemistry was not a proper field. What is analytical chemistry, he asked. These people want to create a new discipline of chemistry called analytical chemistry. They want colleges and universities to develop curricula around analytical chemistry and to award degrees in analytical chemistry. That, Mr. Green said, is putting the cart before the horse. Let analytical chemistry develop as a specialization in the schools first, then let us see about creating an occupational license.

His third argument was related to his

second, and remember again that Mr. Green is the Legislature's only registered engineer. He indicated that we do not need a whole new bureaucracy for these people. We already license chemical engineers, and have a board of registration for professional engineers. Why don't we have analytical chemists licensed by that already existing board, if we have to license them at all. Further, Mr. Green argued, the basic motive for those seeking to license analytical chemists was to upgrade the profession. It is not the business of the Legislature to upgrade the various professions he said. Our business is looking out for the welfare of the people.

Well, Leroy may have been misguided in some of his criticisms of the legislation. The point is that he is a respected figure in this field. He created substantial doubt and uncertainty.

Where do we go from here? First, I suggest we re-examine our motives so that we can be sure that we recognize that what we seek is proper. It won't do to argue that the legislature has created many other occupational licenses in the past for occupations with no better claim than analytical chemists. Most of my colleagues in the legislature readily admit to having made mistakes in past legislation. And no one believes that making mistakes in the past compels you to continue making mistakes in the future.

But let's assume that we have examined our motives and that we have found justification for pursuing this legislation next year or sometime in the future. If we have come to this conclusion it must be because we believe that the health and welfare of the public necessitates the licensing of analytical chemists, that a certified demonstration of competence should be required by law before

anyone can engage in this field. If we believe this, we should be able to back up our belief with the support of various people who represent not only our interest as analytical chemists but the public's interest.

If the public needs protection, let the public make its needs known to the Legislature. Consumer groups may be interested. The users of analytical chemists, that is businesses who use your services, may be interested. Public agencies who use your services may be interested. So the first step in another effort to enact a licensing law should be to discover if there is public support for such a law and mobilize that support. Get that support made known to the legislature.

The second step is to lobby the bill through every step of the legislative process.

The input of letters is an important job. It helps, however, if the scientist personally knows the legislator. I mean that analytical chemists ought to make every effort to see their representatives, to explain the bill and the need for it and ask their representatives to vote for it. Nothing is more effective than a visit from concerned constituents. Letters of support help, particularly letters which are thoughtful and go into some detail rather than urging support for the bill alone. But there is a limit to the impact of letters. Personal discussions are more effective. They also permit valuable feedback from your representative. Find out what his problems are with the bill, and how they may be eliminated.

I don't mean to tell you how to mount a campaign to get a bill enacted. There are professional lobbies that do that. But I do mean to tell you that unless there's a showing of substantial public need for licensing of analytical chemists no bill will be enacted.

ADVICE FOR LEGISLATIVE INTERACTORS

Margil W. Wadley, Chairman
Orange County Section, ACS

For the purposes of reading bills and/or introducing legislation let me suggest a couple of things that we found out by experience of how not to do it. You must always present a bill as a means to advance public welfare. Never describe a bill as something for the benefit of chemists; that is an ancillary or auxiliary benefit which would come about by protecting public welfare. I don't think you really have to do this with tongue-in-cheek. I think, for example, registration of analytical chemists in California is not just an arbitrary thing. For the health and welfare of the citizens of this state, we are going to have to come to a legal definition of what is a chemist and who can officially testify in a court of law.

Don't go into the introduction of a bill with your legislator on a singular basis. You must have a joint organized approach. Individuals can do a lot of things, but putting a bill through successfully cannot be done by an individual, in my opinion. Coordinate your efforts very carefully, lay your ground work thoroughly in the beginning with the legislative assistant of your legislator. He is the man who will have the ear of your legislator better than you, because he is with him every

day.

Be willing to compromise with those who oppose you. I think we learned much too late that we were going to get opposition, in some cases from the AMA, somewhat surreptitiously and too late that we were going to get opposition from the AICHE. We managed to compromise our differences with other groups early enough that changes, good additions or deletions could be made to the bill, before it came before committee.

It is important to lay other groundwork before you get to committee. That is, begin your letter writing campaign, telling your local legislators how you feel. Write in your own name, but better yet, write in the name of your local Section if you can get the concurrence of your executive committee or your board. It is better to write on letterhead in the name of the Society. You can do that in some circumstances legally. Get letters to your local legislator in support of the bill, outlining specific views for it. Once again, emphasize public welfare aspects. And make sure you, or a section member, or a member of the Coordinating Committee, appears before the Legislative Committee in order to testify for the bill.

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CONSUMER PRICE INDEX¹

YEAR	INDEX	YEAR	INDEX
1955	80.2	1968	104.2
1956	81.4	1969	109.8
1957	84.3	1970	116.3
1958	86.6	1971	121.3
1959	87.3	1972	125.3
1960	88.7	1973	133.1
1961	89.6	1974—	
1962	90.6	Jan.	139.7
1963	91.7	Feb.	141.5
1964	92.9	Mar.	143.1
1965	94.5	Apr.	144.0
1966	97.2	May	145.6
1967	100.0		

1. Annual averages through 1973. Source: U.S. Dept. of Labor, Bureau of Labor Statistics.