

Big government at its worst

Bret Stephens

April 17, 2020

Katie Wilson, a deputy undersecretary at the Department of Agriculture in the Obama administration, is the executive director of the Urban School Food Alliance, a nonprofit that works with the country's largest school districts to improve the quality of student nutrition. Her topmost concern is with the millions of poorer children and their families for whom school meals are essential to diets and budgets alike.

In this pandemic, she has a message for government bureaucrats in Washington and every state capital: Stop getting in the way.

I spoke with Wilson as the districts she works with were dealing with a crisis that in weeks has cascaded from lockdowns and school closures to mass unemployment and massive food insecurity. Adaptability, responsiveness, improvisation and foresight are of the essence.

It's a big ask of big government.

The USDA didn't have any trouble responding to school closures by switching to summer feeding programs. And Congress knew enough to give the department authority to waive some of the regulatory requirements. But, says Wilson, "Every waiver has layers and layers and layers on it.

"To get a waiver each district has to apply to the state," she notes. "The state has to decide whether to accept it. If they agree, then they have to apply to the USDA. If the USDA says yes, the state can get the waiver, the district can get the waiver, but then the state has to interpret how you do it."

Example: Oregon applied to the USDA for an area-eligibility waiver so it could provide food for needy families living in non-poor areas. The department allowed the waiver, with the requirement, Wilson says, that each school district would have to work with a state agency "to develop a plan as to how they are going to target the most-needy students."

But as the economy collapses, the need keeps growing, and nobody can be sure who the "most needy" students will be. Desperate school districts have their right arm chained to bureaucratic dead weight, and their left to a horseman of the apocalypse.

It's not just USDA. From 2007 to 2019, the total number of employees in the Food and Drug Administration increased by nearly 80 percent to more than 17,000 employees, according to a Cato Institute report. That includes nearly 500 additional workers to review the safety of medical devices.

Has it helped? In March, Julia Ioffe wrote a must-read account in GQ of the FDA's almost-comical mishandling of an effort to roll out coronavirus test kits. First the FDA approved a flawed test. Then it stymied an effective test by requiring its developer to submit his request not

only electronically but also mailed in paper and via thumb drive. Then the FDA demanded that the developer see if his test worked against other coronaviruses. Then the FDA shut down a testing regimen developed by the Seattle Flu Study because it lacked the correct licensing requirements.

Congress also had to overturn FDA regulations in order to permit hospitals to purchase N95 masks previously approved only for industrial use. The country may need billions of such masks now. But as Reason magazine reported last month, federal regulators have told one would-be manufacturer that certification and approval might take between 45 and 90 days.

And this is government operating in an emergency. A few days ago, New York City's Health Department sent a stern letter to health providers, warning that there are no approved blood tests for use at point-of-care facilities to check for coronavirus antibodies and that use of such tests "may result in regulatory action." Everyone knows tests are far from perfect. But they are urgently needed to track the disease and could have been widely available in the U.S. weeks ago. Approval is now expected in a few days, which should at least raise a question about the point of delay.

Does all of this mean that we would have been better off without any government regulation at all? Obviously not. But it says something that among the most important steps taken in recent months to advance public safety has been to waive regulations enacted in the name of public safety. The effectiveness of government is rarely correlated to its size. In this crisis, the correlation has often been inverse.

Philip K. Howard, author of *Try Common Sense*, has the right idea for turning this around, both for the pandemic and the arduous economic recovery that will follow. In *City Journal*, he proposes a Recovery Authority at both the federal and state levels. The aim is to reduce paperwork burdens, enable one-stop permit shopping, pare uneconomical work rules, provide permanent legal approval to crisis measures that work and otherwise lift the burdens of "1,000-page rule books dictating precisely how to achieve public goals."

Cutting back on big government is not an end in itself. The goals are to give individuals the chance to take responsibility, local initiatives the chance to flourish, and common sense the chance to reign. In the fight against covid-19 and its aftermath, we also have a chance to get government to work better--starting by getting it out of the way.