

THE FIRST WORD

CONFLICT OF INTEREST

Put your books under your seats and take out a pencil. We're going to start today's class with a role-playing quiz on political science...or is it science policy? In any case, the objective is to locate those instances in which the declared policies of governments seem to conflict with the public interest.

Question 1. You are the U.S. Patent and Trademark Office, making a concerted effort to reduce the backlog in patent applications. As part of this effort, you maintain a list of "oldest unexamined patents" in key areas of technology. Basically, it's a list of mail you haven't gotten around to reading yet. The oldest unexamined patent application in biotechnology was originally filed:

- Last Thursday, but the mailroom guy took two days getting it up here so it's not my fault.
- July 30, 1986, more than a year earlier than the oldest unexamined patent in any other area.
- December 18, 1988, but it arrived during the office Christmas party and got shoved under a stack of "Free the Elves!" cocktail napkins.
- 9.6 years ago, so that the patent will take effect when the Food and Drug Administration grants approval, so it's really better for the company this way.

The correct—or should we say true—answer is b, according to talks presented during Biotech USA in October.

Question 2. You are an administrative court in the German state of Hesse. When citizens complain that Hoechst AG is building a plant to produce a dangerous biological agent—human insulin—nearby, you:

- Tell the complainants to go away until they learn some biology.
- Stop construction of the plant and forbid human occupation of the area as well, on the grounds that people produce human insulin.
- Allow construction to continue, based on careful assessment of scientific information about the risk (or lack of risk) posed by the plant.
- Stop construction, based on careful assessment of scientific information about the risk (or lack of risk) posed by the plant.
- Stop construction of the plant, issuing a decision that gets quoted in *The New York Times* thus: "As long as parliament does not specifically allow the use of gene technology, plants using such technology may not be constructed and operated regardless of the assessment of the danger they pose in individual cases." In other words, everything that is not specifically permitted is forbidden.

The real answer, of course, is e. Go figure.

Question 3. You are the George Bush administration. Now that the maverick Connecticut Republican Lowell Weicker has lost his Senate seat, you realize that the U.S. government contains only one effective advocate of applied leading-edge biology, Frank Young, the Food and Drug Administration commissioner. Since he has reduced approval times for life-saving drugs from 7.1 years to 4.7 years, has coped with the biotechnology boom with remarkable even-handedness, is well regarded even by his critics, and has managed all of this amid forced staff cutbacks and slashed budgets, you:

- Fire him because cereal manufacturers and food processors are cribbing their advertising copy from the *New England Journal of Medicine*.
- Fire him because he embargoed Chilean grapes after minuscule amounts of cyanide were found in two grapes following poisoning threats from Chilean guerrillas.
- Fire him because some of his understaffed and short-funded department took bribes to help some drug filings and hinder others.
- Disguise the dismissal as a promotion to Deputy Assistant Secretary of Health for health, science, and environment.
- Reward him with a post that won't require him to wear a U.S. Public Health Service uniform.
- Let him continue doing his job.
- All of the above except f.

The correct answer is g. See the commentary for Question 2.

—Douglas McCormick

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EDITORIAL CORRESPONDENCE:

BIO/TECHNOLOGY, 85 Bleecker St., New York, NY 10012. Telephone: (212) 477-9600. Telex: 668497UW
 Fax: (212) 505-1364. BIO/TECHNOLOGY, 4 Little Essex Street, London WC2R 3LF. Telephone: (01) 872 0103. Telex: 262024 Fax: (01) 240 2408.

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