Webinar Series: Crafting Richer Public Health Messages — Gaining Broad Policy Support in Politically Polarized Times

Today’s Webinar: Messaging and the 5 Essential Public Health Law Services

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How to Use Webex Q & A

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Moderator

Gene Matthews, J.D., Director, Network for Public Health Law Southeastern Region Office; Senior Fellow, North Carolina Institute for Public Health Gillings School of Global Public Health, UNC Chapel Hill

- J.D., University of North Carolina Chapel Hill
- Research interests/areas of expertise:
  - Public Health Messaging
  - Advocacy & Lobbying
  - Public health agency structure
  - Organization and accreditation
Presenter

Scott Burris, Director, Center for Public Health Law Research, Professor, Temple University Beasley School of Law

- A.B., Washington University in St. Louis
- J.D., Yale Law School
- Research interests/areas of expertise:
  - Public health messaging
  - Public health law evaluation
  - Social determinants of health
  - Global health governance
  - Health effects of criminal law and drug policy
Presenter

**Benjamin D. Winig, JD, MPA**, Vice President, Law & Policy, ChangeLab Solutions, Oakland, CA

- A.B., University of Michigan
- J.D., University of Wisconsin
- M.P.A., University of Wisconsin

Research interests/areas of expertise:

- Public health improvement
- Advancing health equity
- Active living and healthy planning strategies
- Municipal law and public health agency practice
- Advises elected officials, public agency staff and CBO’s
Presenter

Doug Blanke, J.D., Executive Director, Public Health Law Center, Mitchell Hamline School of Law, Saint Paul, Minnesota.

- B.A., Michigan State University
- J.D., Yale Law School
- Areas of Interest:
  - Chronic disease prevention
  - Tobacco control
  - Business regulation
  - Federalism
  - Global public health
Overview of Five Essential Public Health Law Services (Scott Burris)

Preemption, Health Equity & The Search for Local Solutions (Ben Winig)

Improving Quality in Family Child Care (Doug Blanke)

Assess the National Effort to Improve Enforcement of Healthy Housing Standards (Scott Burris)
These Ideas Have Emerged from Ongoing Collaboration
Better Health Faster: The Five Essential Public Health Services As a Tool for Using Law More Effectively in Public Health

Scott Burris
scott.burris@temple.edu
For a Deeper Dive


The Context: Promoting a Culture of Health in a Time of Discord

Three Webinars on the Theme of Better Persuasion and Advocacy in Public Health Law and Policy

1: Crafting Richer Messages: Insights from Moral Foundations Theory

2: A Public Health Approach to Strengthening Public Health Norm Change Campaigns

3: Empathy and Relationships as Foundations of Effective Advocacy
Public Health Law is not just for lawyers: a transdisciplinary model

Provision of legal information, technical assistance, or advice.

Speaking on behalf of a client or a cause.

The study of the content and prevalence of law; development and analysis of normative frameworks.

The study of laws and legal practices as causes of disease and injury.

The study and deployment of laws and legal practices as interventions to prevent disease and injury, and as enablers of effective public health administration.

The scientific tracking of policies important to health.
The Framework

The 5 Essential Public Health Law Services

Access to Evidence and Expertise
Expertise in Designing Legal Solutions
Building Political Will
Implementing, Enforcing and Defending Legal Solutions
Policy Surveillance and Evaluation

Better Health for All Faster
Building good policy ideas

- Assess evidence and best practices
- Build equity into decision making and goals
- Access expert and community knowledge and experience
- Assess historic use of law for intentional inequities
- Assess political climate, including allies and opponents
- Assess readiness of the community to take on a campaign
- Identify potential policy targets
Finding the strongest legal approach

- Assess authority to act
- Compare legal options (statute, regulation, executive order)
- Ensure evidentiary justification for expected level of scrutiny
- Issue-spot potential problems
- Link legal strategies with community priorities
- Design winnable strategy
- Consider enforcement and accountability at outset
Getting good ideas into law

• Educate and inform
• Build coalitions
• Organize communities
• Participate in public processes
• Strategic communications
• Lobby
• Ensure financing for putting the policy into practice and evaluating its impact
Implementation and enforcement

• Develop and nurture regulatory capacity
• Educate the public and the targets
• Regulate responsively
• Be prepared to defend the law if challenged
  – in court or
  – the political arena
Learning and diffusing what works

- Create data to evaluate laws
- Measure progress of legal campaigns
- Measure outcomes/success/unintended consequences
- Make legal information publicly accessible
- Spread success through policy surveillance
We Can Use This Framework

• To assess the availability of services for specific campaigns at the local, state and national level → OUR RESULTS TODAY

• To develop measures of the quality of services to guide capacity building → Public Health Law Center Team’s equity tool

• To teach public health stakeholders to better design and implement law reform campaigns → Trainings piloted with the Association of Schools of Public Health in the European Region (ASPHER)

• To achieve BETTER HEALTH FOR ALL FASTER
Preemption, Health Equity & The Search for Local Solutions
Healthy communities for all through better laws & policies
The information provided in this discussion is for informational purposes only, and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships.

ChangeLab Solutions is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation.

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What we’ll DISCUSS:

What is Preemption?
Federal, State & Local Authority

Preemption in Action
Consequences on Health Equity

Local Solutions
Proposals for the Field
Federalism & Police Power
What is preemption?
When the law of a higher level of government invalidates the law of a lower level of government.
When you consider preemption, do you think it is generally:

- [ ] Good
- [ ] Bad
- [ ] Neutral
When you consider health equity, do you think that preemption generally advances or inhibits health equity?

- Preemption generally **advances** health equity
- Preemption generally **inhibits** health equity
Preemption isn’t inherently partisan or universally negative
How preemption affects health equity depends on the type of preemption and how it’s used.
Safe, Affordable Housing
Civil Rights
Minimum Wage and Paid Leave
Preemption has CONSEQUENCES ON HEALTH AND EQUITY
In 1980, the difference in life expectancy at birth in these states was only 1.6 years. By 2014, this difference more than tripled to 5.5 years.

What Changed?

It’s complicated, but, in part...
“New York has ... not preempted local governments from implementing health promoting legislation such as paid sick days, a higher minimum wage, stricter firearm regulations, or requiring that calorie counts be posted.

In sharp contrast, Mississippi has ... preempted local laws in all four areas listed previously.”

The Five Essential Public Health Law Services

- Access to Evidence and Expertise
- Expertise in Designing Legal Solutions
- Help Engaging Communities and Building Political Will
- Support for Enforcing and Defending Legal Solutions
- Policy Surveillance and Evaluation

Better Health Faster
FINDINGS

- Focus on Health Equity
- Build Capacity
- Increase Coordination
- Identify Research
Improving Quality in Family Child Care

Doug Blanke, JD; Natasha Frost, JD; Julie Ralston Aoki, JD; Anna Ayers Looby, MPH
The Issue
Our Questions

• What services, resources, and process, are in place to define, assess and improve quality standards for family child care?
• What are the key underlying issues?
• Who is addressing them; how is it working, and what’s missing?
The Method of Inquiry

• An audit using the Five Essential Public Health law Services Framework.
• Adapted methods to ensure an equity focus.
• Analysis included literature search, environmental scan and mapping, and key informant interviews.
Main Finding:

Let’s re-frame “quality” using an equity lens, a holistic approach, and providers’ perspectives.
More Findings:

• Models and assumptions designed for child care centers are not readily transferable to family care.

• Regulation is complex and often overwhelming.

• Extreme variability in definitions and approaches impedes research and policy improvement.
Recommendation: Support development of quality standards tailored to family care and grounded in the perspectives of providers.
Recommendation: Support child care providers through professional development and training, wage equity and public messaging.
Recommendation:
Build an integrated support system for quality improvement, including a national research program and wide-ranging technical assistance.
“Better persuasion and advocacy in public health policy?”
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• Approach the issue through the lived experience of those who are most affected.
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- Approach the issue through the lived experience of those who are most affected.
- “Nothing about us, without us.”
“Better persuasion and advocacy in public health policy?”

• Approach the issue through the lived experience of those who are most affected.

• “Nothing about us, without us.”

• Get over ourselves. Listen up. Lose our self-aggrandizing jargon.
“Better persuasion and advocacy in public health policy?”

• Approach the issue through the lived experience of those who are most affected.

• “Nothing about us, without us.”

• Get over ourselves. Listen up. Lose our self-aggrandizing jargon.

• Respect the deep moral values of those affected.
“Empathy and relationships as foundations of effective advocacy.”
KEEP CALM AND CHANGE THE LAW
Using the Five Essential Public Health Law Services Framework to Assess the National Effort to Improve Enforcement of Healthy Housing Standards

Scott Burris, JD, Abraham Gutman, MA and Katie McCabe, JD
scott.burris@temple.edu
The Problem

• According to the CDC, almost 2,000,000 children in America have elevated blood lead levels (>5 µg/dL)
• According to HUD a total of 6,689,000 houses are inadequate for living (5.6% of houses)
Our Questions

• Housing code enforcement has failed poor renters for decades.
• Why?
• What can public health and housing advocates do to improve code enforcement?
The Method of Inquiry

• To answer these questions we conducted an audit using the Five Essential Public Health Law Services framework.
• Our methods included desk scans and key informant interviews.
Main Finding

• Code enforcement has been an orphan cause for decades
  – There is no robust, self-conscious national effort to improve code enforcement
  – There has never been a sustained effort to define, test, refine and diffuse an efficient, effective model for codes and enforcement.
“Conventional wisdom” → enforcing codes drives units out of the market and hurts tenants.

But this has been “A debate without evidence” (Desmond & Bell, 2015): the literature on the effects of housing code enforcement is old, thin and weak.

Recent work suggests that enforcement can be “pro-poor” or at least neutral.
The Important Question

• It is plausible to believe (though not proven) that strict enforcement of every requirement in detailed housing codes in communities with older housing stock would lead to landlords abandoning their properties or raising rents beyond the ability of low income tenants to pay.

• The important question, however, is whether it is possible to devise an approach to enforcement that can protect tenants without significant market impact, within a broader effort to improve access to affordable housing.
Crucial Service Gap 1

- Enforcement training resources are available but license and inspection department are understaffed and underfunded.
- Enforcement efforts are challenged in the courts.
Should Someone Adopt Code Enforcement as an Issue?

• Yes:
  – No good evidence it can’t be done and recent evidence suggesting it can.
  – There is enormous scope to develop and test modern approaches to enforcement
  – It is morally repugnant to put poor people in a position of choosing homelessness or a dangerous home.
Should Someone Adopt Code Enforcement as an Issue?

• No:
• Code enforcement problems are a symptom of multiple deeper ills in broken housing markets:
  – Stock not worth maintaining
  – The shortage of affordable housing
  – Tenant poverty
• Resources would be better invested in more funding for affordable housing, vouchers and affirmatively furthering fair housing
If Yes, We Recommend Trying the Five Services Approach

• Sustained support (>5 years) for a network of cities, researchers, tenants, landlords and community-based organizations to
  – Develop promising approaches
  – Craft model code enforcement provisions
  – Enact them into law
  – Enforce them vigorously
  – Evaluate the impact and refine the model

Investment is key
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Webinar Series: Crafting Richer Public Health Messages — Gaining Broad Policy Support in Politically Polarized Times

**Webinar One: October 26, 1 - 2:30 EST**
Crafting Richer Public Health Messages using Moral Foundations Theory

**Webinar Two: November 30, 1 - 2:30 EST**
Crafting Richer Public Health Messages: Messaging and the 5 Essential Public Health Law Services

**Webinar Three: December 14, 1 - 2:30 EST**
Crafting Richer Public Health Messages: Lessons and Examples for State and Local Advocacy
Thank you for attending

Please join us December 14 for Crafting Richer Public Health Messages: Lessons and Examples for State and Local Advocacy

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