

Conversation with James Mosher on August 12, 2014

Participants

- James Mosher – President, Alcohol Policy Consultations; Adjunct Professor, Johns Hopkins University's Bloomberg School of Public Health; Senior Policy Advisor, The CDM Group, Inc.
- Alexander Berger – Senior Research Analyst, GiveWell

Note: This set of notes was compiled by GiveWell and gives an overview of the major points made by James Mosher.

Summary

GiveWell spoke to James Mosher as part of the Open Philanthropy Project's investigation of alcohol policy. Conversation topics included: the cost-effectiveness of population versus individual-based interventions, alcohol policy enforcement strategies, litigation efforts, and state-level campaigns.

Population versus individual-based interventions

In the last 15 years, research has established that population-level alcohol interventions are more cost-effective than treating problem drinkers individually. While the two strategies should not be viewed as mutually exclusive, individual-based interventions may be less effective if the population and social environment are not addressed as well.

A majority of alcohol's social costs are associated with binge drinking, which is most common among young adults. A 2006 Centers for Disease Control and Prevention (CDC) analysis by lead author Ellen Bouchery found that social costs of alcohol are high primarily because of productivity losses among young adults related to violence and unintended injuries such as traffic accidents. More years of productivity are lost when alcohol negatively affects young adults.

Policy strategies that work at the population level such as reducing availability, raising taxes, and restricting alcohol industry marketing not only reduce excessive drinking but also play a role in shifting cultural norms. We learned from tobacco that policy interventions played a major role in making tobacco less attractive and acceptable to young people.

A large percentage of heavy binge drinkers age out of it and cut back their drinking without formal interventions. The remaining chronic heavy drinkers may require more intensive interventions to address alcohol addiction.

Enforcement

Interventions affecting price and availability have similar impacts when properly enforced. However, tax increases are typically easier to enforce, partly because the government has an incentive to collect taxes and have a structure in place for collecting them. Availability interventions, such as imposing license sanctions for selling alcohol to minors or obviously

intoxicated adults require effective law enforcement, but law enforcement at the state and local levels often lack the resources to effectively enforce alcohol regulations. Availability interventions are also vulnerable to industry efforts to weaken and repeal them over time.

Former New Mexico Governor Bill Richardson made alcohol enforcement a top priority. Rates of impaired driving fell significantly after he created special alcohol law enforcement units and passed new alcohol policy regulations. Effective enforcement is possible but is unlikely to occur unless advocates build political support. For the past decade, Mr. Mosher has assisted the National Liquor Law Enforcement Association (NLLEA), led by Rebecca Ramirez, in encouraging local law enforcement agencies to create dedicated alcohol enforcement positions.

Social host ordinances

Social host liability laws hold adults criminally and/or financially responsible for underage drinking parties on their property.

There are three types of social host ordinances:

1. Public nuisance laws that allow the city to issue civil fines and require homeowners to pay cleanup costs. These are primarily implemented at the local level.
2. Criminal laws that hold hosts of underage drinking parties criminally liable. These exist at both the state and local level.
3. A host who serves alcohol to a minor can be sued if the minor causes injury to someone after leaving the host's property. These are primarily state laws.

With funding from the Ventura County Behavioral Health Department, Mr. Mosher drafted a model public nuisance social host ordinance that creates financial incentives for local enforcement to enforce alcohol regulations. Mr. Mosher worked with Mayor Rae Hanstad to adopt the law in Ojai, California. After being implemented in Ojai in 2006, a number of other jurisdictions in Ventura County passed identical laws.

With private student housing often replacing university-owned dorms in today's university system, social ordinance laws provide incentives for corporations to supervise alcohol use in their student housing.

One advantage of social host ordinances is that the alcohol industry does not oppose them. Additionally, neighborhood groups tend to support them. However, some landowners groups have resisted their adoption.

Evidence of the effectiveness of social host ordinances is not currently available, since the laws are generally fairly new. Researchers at Wake Forest are evaluating the impact of these laws and results will be available within a few years.

Analogy to tobacco litigation

Tobacco litigation was fundamentally a political strategy that used subpoena power to damage the tobacco industry's reputation in the public eye. State attorneys general became interested in

tobacco litigation after a study found Camel's youth market share increased from 5% to over 50% after the introduction of the character Joe Camel in advertising.

A similar strategy was used to respond to the alcohol industry's marketing to underage drinkers with products like Four Loko (produced by Phusion Projects). Litigation successfully pressured Anheuser-Busch and Miller Brewing Company to cease production of alcoholic energy drinks in 2009. In 2010, smaller companies such as Phusion Projects were targets of litigation. The state Attorneys General leading this work were Jerry Brown (D-CA), Doug Gansler (D-MD), Steve Rowe (R-ME), and Mark Shurtleff (R-UT). This group put considerable pressure on the alcohol industry but lost momentum because of turnover and a lack of data convincingly showing the role of advertising in targeting youth.

Funding

There is significantly less private interest and funding available for alcohol policy research and advocacy today than in the recent past. The Robert Wood Johnson Foundation launched a national program to reduce underage drinking in 1992. However, after establishing the Center on Addiction and Substance Abuse and a dozen state coalitions, three or four of which became fairly successful, it decided to cease funding in the area.

The Center on Alcohol Marketing and Youth (CAMY) at the Johns Hopkins Bloomberg School of Public Health was established in 2002 with funding from the Robert Wood Johnson Foundation and Pew Charitable Trusts. In 2008, Pew went through fundamental changes and stopped funding work in this space. CAMY continues to receive CDC funding through the Sober Truth on Preventing Underage Drinking (STOP) Act. In general, however, alcohol research has experienced a considerable decrease in funding.

State-level campaigns

Long-term funding commitments are necessary to achieve lasting policy changes. However, most states lack the grassroots infrastructure, resources, and strategy to take on the powerful alcohol industry.

The lack of funding became a serious hindrance during a 1990 campaign to raise alcohol taxes in California led by Andrew McGuire of the Trauma Foundation. Proposition 134, a nickel-a-drink tax modeled after a successful 1988 tobacco tax increase, would have devoted 5% of the increase in tax revenues to counteradvertising and 3% to consumer organizing. The alcohol industry spent approximately \$38 million to successfully defeat it. If the proponents had the support of a major donor, Mr. Mosher believes the ballot measure might have passed.

There are activists and policymakers who are interested in alcohol policy reform in many states, but they need to be organized. As was the case during the fight for tobacco regulation, grassroots support and political leadership are needed because legislators are reluctant to confront the powerful business interests. In Maryland, activists had to lobby the Assembly and Senate leadership extensively in order to achieve alcohol policy reform. Past experiences in states with voter initiatives suggest that voters support alcohol taxes, but political leaders must be mobilized to support them.

The US Alcohol Policy Alliance (USAPA), a new organization led by Diane Riibe, has contacts in multiple states who would be ready to build statewide coalitions to promote evidence-based, public health-focused alcohol policy, but who lack resources to do so.

USAPA is convening the next national alcohol conference, which brings together 350-400 researchers, policymakers, and advocates every couple of years. USAPA is primarily a volunteer-run organization and the conference does not accept government money. The conference needs a steady funding source.

Creating a national organization

Mr. Mosher hopes that the CDC will be able to fund a national network against youth drinking similar to Tobacco-Free Kids to address the lack of funding for technical assistance and training. Legal assistance is even more important in alcohol policy than tobacco policy because alcohol laws are different in each state. The lack of funding for alcohol-related legal assistance has forced many attorneys to leave the field.

Mr. Mosher would like to see increased funding for CAMY so that it could fill the need for a national organization staffed by experts in the field. Establishing a new organization is a possibility but has higher start-up costs. Johns Hopkins University has experience with similar centers and the academic affiliation offers credibility and institutional support.

USAPA has ambitious goals of helping communities across the country organize to implement evidence-based alcohol policy. Rather than try to become the alcohol-equivalent of Tobacco-Free Kids, Mr. Mosher would prefer to see USAPA provide technical assistance, coordinate efforts across states, and advocate in Washington, D.C.

Other people to talk to:

- Bob Brewer - Head of alcohol policy at the Centers for Disease Control and Prevention
- Francesca Gessner - Deputy City Attorney in the San Francisco City Attorney's Office
- Alan Lieberman - Deputy Attorney General of California (ret.)
- Rebecca Ramirez - Executive Director at the National Liquor Law Enforcement Association
- Diane Riibe - Chair of the US Alcohol Policy Alliance

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