

## Is Learning to Regulate Like Learning to Cook?

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July 2009

*The book is 'Mastering the Art of French Cooking'—not 'How To' or 'Made Easy' or 'For Dummies,' but 'Mastering the Art.' In other words, cooking that omelet is part of a demanding, exalted discipline not to be entered into frivolously or casually. But at the same time: You can do it. It is a matter of technique, of skill, of practice.*

— A.O. Scott, “Two for the Stove,” *New York Times* (Aug. 7, 2009)

*The secret is to pat dry your beef before you brown it.*

— Michael Pollan, “Out of the Kitchen, Onto the Couch” (referring to success at cooking boeuf bourguignon), *New York Times Magazine* (Aug. 2, 2009)

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In the movie *Julie & Julia*, in one icon of integrity (Meryl Streep) plays another (Julia Child). We learn how one tall student-chef-writer-teacher displaced mystery with mastery. Meanwhile, science journalist Michael Pollan (author of *The Omnivore's Dilemma*) wants us to cook for ourselves more, consume what others sell less. Are there analogs here to inspire our regulators? Consider ten quotes from Pollan's piece, divided into two main themes.

### Pre-Fabbed Food: Consumption without Quality

1. Pollan bemoans “*the rise of fast food, home-meal replacements and the decline and fall of everyday home cooking.*” Regulators get executive summaries, fifteen-minute panelists, and PowerPoint—more pitch than empowerment, the bullets blaring the obvious while concealing complexities. (See Professor Edward Tufte's monograph, *The Cognitive Style of PowerPoint: Pitching Out Corrupts Within.*) The focus is on audience consumption, not audience engagement.

2. “[A] great many Americans are spending considerably more time watching images of cooking on television than they are cooking themselves—an increasingly archaic activity they will tell you they no longer have the time for.” Are we spending more time watching advocates argue for their interests, rather than studying objective materials ourselves? And what about the performers—how many are real cooks? Are regulatory witnesses the real cooks—people who actually run things, make things work—or are they spokespeople, stand-ins for the real thing, performers with a script, who make hard decisions look easy? Can we really learn cooking from such performances? Can we really learn regulation from presenters?

3. “*Many of today's cooking programs rely unapologetically on ingredients that themselves contain lots of ingredients: canned soups, jarred mayonnaise, frozen vegetables,*

*powdered sauces, vanilla wafers, limeade concentrate, Marshmallow Fluff.*” How many of the presentations we hear offer canned arguments, frozen positions, assertions more powdery than persuasive, rhetorical fluff substituting for researched facts?

4. “[P]rocessed foods have so thoroughly colonized the American kitchen and diet that they have redefined what passes today for cooking, not to mention food.” Does advocacy argument now so dominate the regulatory landscape—at informal conferences and in formal proceedings—that regulators have no space in which to use their own instincts, develop their own records, do their own thinking?

5. “Over the years, the food scientists have gotten better and better at simulating real food, keeping it looking attractive and seemingly fresh....” Did you know that “food psychologists” have discovered a magic ratio of surface tension to internal “give,” so that designers of candy bars and tortilla chips can induce in humans the repeated act of moving the product from bag to hand to mouth, almost mindlessly? Do regulatory lobbyists employ their own magic—phrases that discourage independent thought while inducing reflexive agreement?

6. Pre-fabricated food is “bound to go heavy on sugar, fat, and salt; these are three tastes we’re hard-wired to like, which happen to be dirt cheap to add and do a good job masking the shortcomings of processed food.” With what ingredients do advocates appeal to our hard wiring, sacrificing future health to current consumption? Do advocates emphasize short-term benefits to distract us from long-term costs? Do opponents emphasize short-term costs to distract us from long-term benefits? Are we hard-wired to accept statements like “Everyone else is doing it,” “The situation is urgent,” “This is not a precedent”?

7. “... [A]s the “time cost” of [commercial] food preparation has fallen, calorie consumption has gone up, particularly consumption of the sort of snack and convenience foods that are typically cooked outside the home.... [W]hen we don’t have to cook meals, we eat more of them....” Pollan cites a decline in the percentage of the family dollar going to a human being actually making food. By eating out rather than cooking in, we overconsume what others want to feed us. What percentage of a regulator’s time goes to connecting with people that actually make the company run well? A northwestern regulator told me his governor had urged him to get outside the hearing room and inside the control room—to see what utility employees actually do. Do we make time to do it?

## **Culinary Competitions: Converting a Nation of Cooks into an Audience of Consumers**

8. The Food Network has “shifted [its] target audience from people who love to cook to people who love to eat.” Do we consume the arguments of others more than we create thoughts of our own?

9. Consider “*Iron Chef*,” where famous restaurant chefs wage gladiatorial combat.” These culinary contests focus more on competition than communication. The

contestants make miracles that home cooks could never replicate. Do our hearing rooms host battles for position, or opportunities for education?

10. “(If you ask me, the key to victory on any of these shows comes down to one factor: bacon.)” Is there, in every advocacy argument, some not-so-secret ingredient, some theme, phrase, or flourish that, being both soothing and filling, seems so inarguable as to sway the psyche? Do phrases like customer “harm,” financial “integrity,” “reliability,” “global competition,” “light-handed regulation,” and “green” induce us to swallow dishes that, exposed, we might send back?

Julia Child “filled the air with common sense and uncommon scent” (Harvard University citation accompanying her honorary doctorate). She succeeded the hard way: through technique, analysis, and practice. As can regulators. So what will be our goal—finding “The Next Food Network Star” or “Mastering the Art”?