

Senate tackles Baby Doe rules

Six U.S. Senators from conservative and liberal camps pounded out a proposal last week regarding the care of critically ill infants. They hope the proposal will help break the stalemate between parents and doctors, who resent governmental intrusion in medical decision making, and consumer groups concerned with protecting the rights of severely handicapped infants.

The compromise, to be brought to the Senate floor later this month, was constructed through more than 50 hours of discussion with the vying factions. The measure spells out, more specifically than any previous proposal, categories in which heroic measures to save an infant's life might not be mandated.

Two federal court rulings in May struck down the attempt by the Department of Health and Human Services (HHS) to regulate the medical treatment of disabled newborns under the Rehabilitation Act of 1973 (SN: 6/2/84, p. 343). The new plan by Sens. Alan Cranston (D-Calif.), Orrin Hatch (R-Utah) and four others, is an amendment to the Child Abuse Prevention and Treatment Act of 1974, under which the federal government provides money to states to aid neglected and abused children.

Under the terms of the proposed amendment, the "withholding of medically indicated treatment from disabled infants with life-threatening conditions" could be considered a form of child abuse or neglect. However, the proposal cites four exceptions in which heroic, lifesaving measures might legally be withheld:

- "the infant is chronically and irreversibly comatose."
- "the provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant."
- "the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane."

If the amendment becomes law, states failing to comply could risk the loss of federal grant money. The responsibility for evaluating infringements of the act would continue to rest with state-run agencies, rather than with federal committees.

The more than 20 national organizations endorsing the compromise include the Down's Syndrome Congress, the National Right to Life Committee, the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists. The American Medical Association (AMA) refused to endorse the compromise, because the final wording failed to consider the "quality of life" a severely disabled infant might expect after treatment, AMA spokesperson Toba J. Cohen says.

Hearing loss from cordless phones

Cordless telephones, a boon to the talker who hates to be tied down, are producing permanent hearing loss in some users, says a University of Florida at Gainesville researcher.

"Most cordless telephones have excessively loud ringers — exceeding 130 decibels — located in the earpiece that continue to ring until the user manually switches the phone to the talk-mode," reports hearing specialist George Singleton. "Some people are forgetting to do that, and it's costing them their sense of hearing." Any person with normal hearing could experience a temporary deafening from such a loud ring in the ear, he says, but elderly persons, or those with pre-existing hearing loss are particularly vulnerable to permanent loss in the sound level at which word vowels are differentiated. The researcher has found permanent damage in most of the 35 patients he has evaluated in the last year and a half, and the numbers of complaints, as tallied by the American Academy of Otolaryngology-Head and Neck Surgery, in Washington, D.C., are "increasing like crazy," he says.

Simply moving the bell away from the earpiece to another part of the headset could alleviate the problem, Singleton says, and some companies have already designed such models.

Environmentalists burned by Burford

Environmentalists are up in arms over the appointment this week of former Environmental Protection Agency (EPA) chief Anne M. Burford to the National Advisory Council on Oceans and the Atmosphere (NACOA).

"We're very upset about it. We're considering a campaign to call for her ouster, but that hasn't been decided yet," says Liz Raisbeck of the Washington, D.C.-based Friends of the Earth. "It's a wonderful campaign issue for [Democratic presidential hopeful Walter F.] Mondale," Raisbeck adds. The appointment by President Reagan was announced last week, on the eve of a much-touted White House peace-making luncheon with the heads of several environmental groups. Reagan has released no official comment in response to environmentalists' furor over Burford's appointment. Burford resigned from the EPA 16 months ago, amidst swirls of controversy and allegations that the agency dealt too lightly with industry (SN: 2/26/83, p. 132). A Justice Department probe ended with the decision that there was insufficient evidence to prosecute Burford for any wrongdoing.

Burford will now chair NACOA, which Raisbeck termed an "industry dominated" group, and which provides policy advice to the president. Particularly upsetting, Raisbeck says, is that NACOA soon is to study the U.S. 200-mile "exclusive economic zone" of the oceans. The United States claims all fishing and other rights for 200 miles outside its borders, and this has implications for ocean floor development, she says.

It appears that Burford's new position has generally poured salt into old wounds. Says William Reilly, president of the Conservation Foundation, also of Washington, D.C., "The appointment of Burford... raised old issues that would have better served the president, the public and the environment not to raise at this time. It has unfortunate symbolic consequences."

Wetlands may lose ground

Hundreds of thousands of acres of wetlands may lose some federal protection in the wake of a federal appeals court ruling that in effect redefines "wetlands," says a lawyer with the National Wildlife Federation.

Wetlands are, in part, under purview of the U.S. Army Corps of Engineers, which grants permits before wetlands can be altered, and which in 1977 first brought a lawsuit against the Michigan firm of Riverside Bayview Homes, Inc. The Corps wanted to halt the firm's plans for a housing development on an 80-acre wetland tract near Detroit, explains lawyer Jerry Jackson. The Corps looks at three things to define wetlands: the amount of surface water in the area; the types of vegetation and their tolerance of wet soil; and the soil type and whether it is kept moist by ground, surface or rainwater. But the Sixth Circuit Federal Court of Appeals (which includes Michigan, Ohio, Kentucky and Tennessee) this month refused to rehear the case, letting stand a prior ruling that defines wetlands as lands frequently flooded by an adjacent stream, Jackson says. "Will this be applied all over the country, or just in the Sixth Circuit?" Jackson wonders. The lawyer for the Corps, Ellen Durkee, says no decision on whether to appeal to the Supreme Court has been reached.

Third world poisonings on the rise

Up to 500,000 people in third world countries are poisoned yearly by chemical pesticides meant to help them grow crops, says University of Miami epidemiologist J.E. Davies, who is working with the World Health Organization on a plan to quash this growing incidence. "Chemicals are shipped all over the world, but the... knowledge of safety has not been shipped with them," Davies says. The poisonings, which result in few deaths, stem from poor farmers misusing pesticides for cash crops they can eat and sell, he adds.