

# What is the Defining Line Between Policy and Advocacy?

**Brought to you by the ASTDD Best  
Practices Committee and Dental Public  
Health Resources Committee**

**June 27, 2018**



# General Reminders

- This webinar will be recorded and archived on the ASTDD website
- We would like to hold any questions until the end, so if you have questions, please make a note of them. When we are ready for questions, if you wish to ask one, please click on the Set Status icon which is the little man with his arm raised on either the upper left or the top of your screen. Click on “raise hand.” We will then call on you to ask your question over the phone
- Please respond to the polling questions at the conclusion of the webinar.

This presentation was supported by  
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Division of Oral Health.





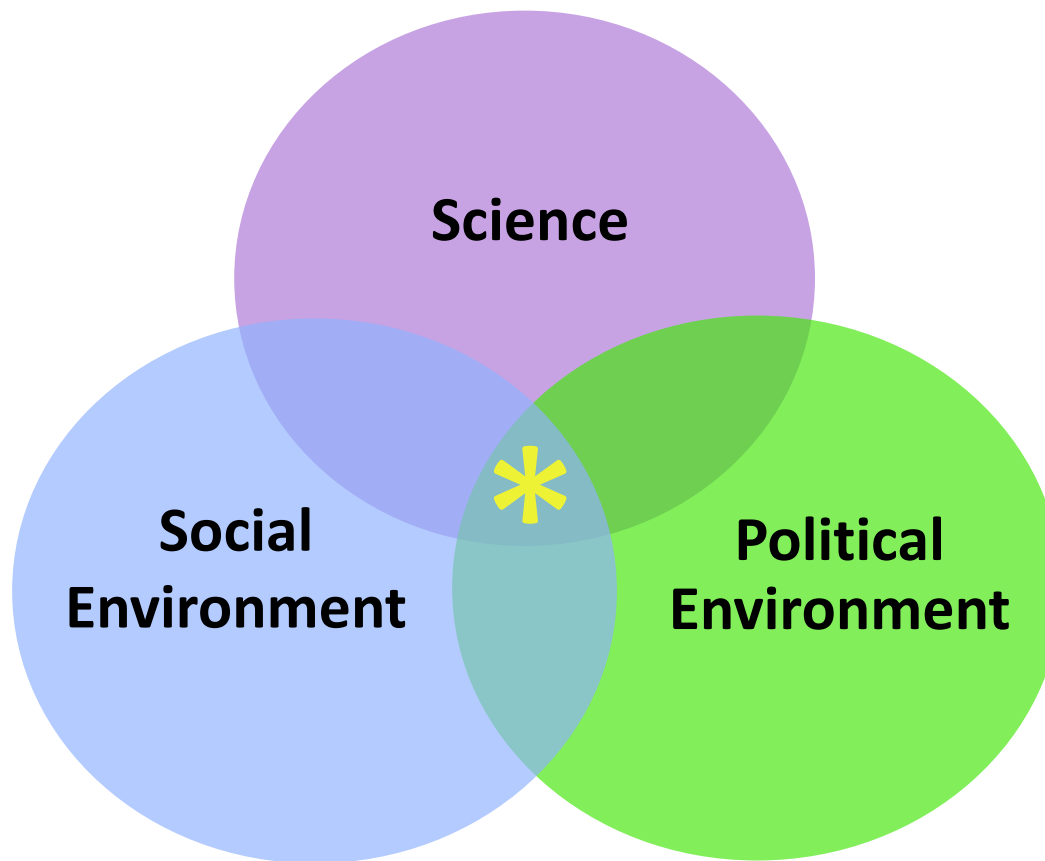
# What is the Defining Line Between Policy and Advocacy?

CDC Policy Webinar for ASTDD Best Practices  
June 27, 2018

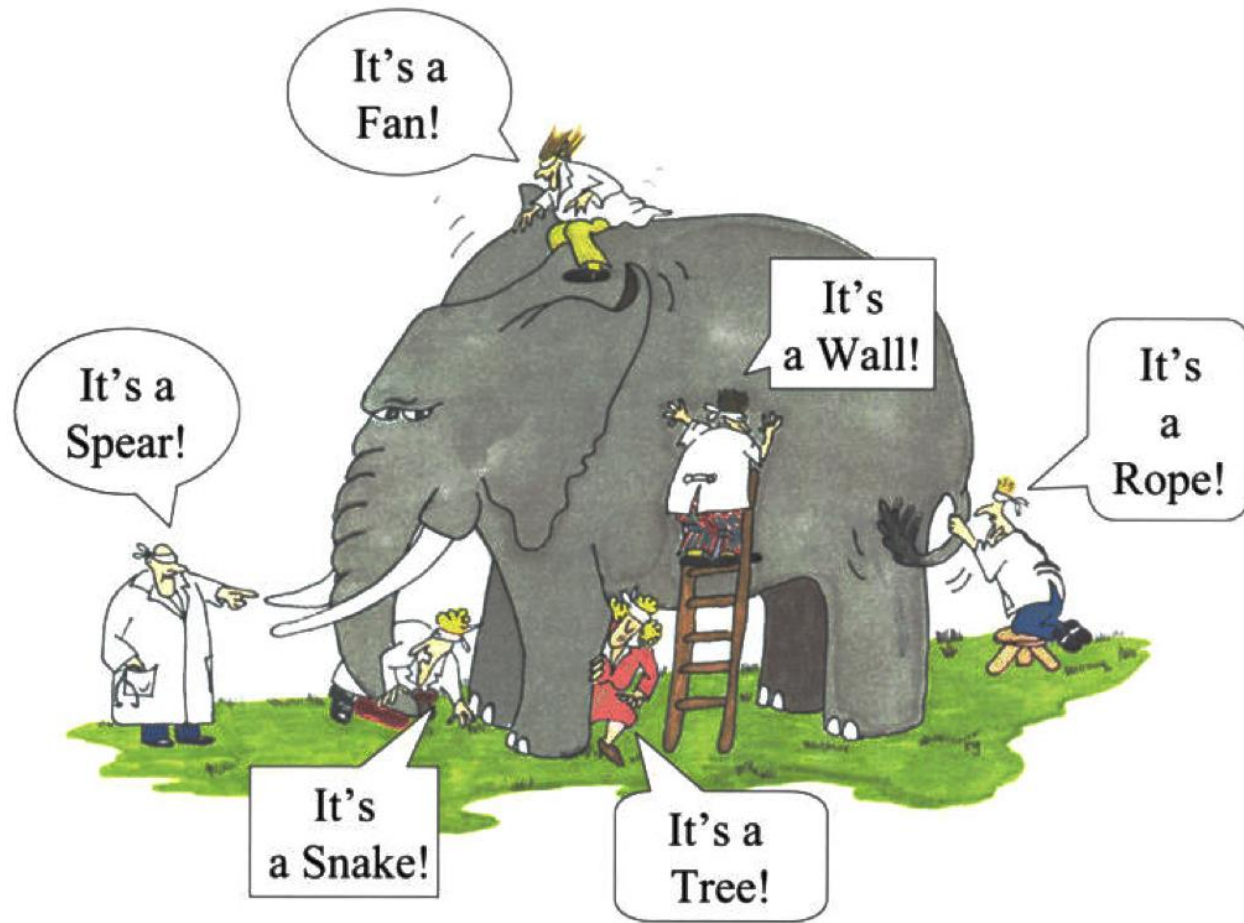
Nicole Johnson, MPH

Associate Director, Policy, Partnerships and Strategic Communications

# What is Policy?



# What is Policy?



# What is Policy?

**“Policy’ is defined as a law, regulation, procedure, administrative action, incentive, or voluntary practice of governments and other institutions.”**

# What is Policy?

- **“Big P” policy**
  - Typically legislative or regulatory in nature
- **“Little p” policy**
  - Organizational rules, standards, or protocols designed to influence practices or social/informal norms

**BIG** P  
little p



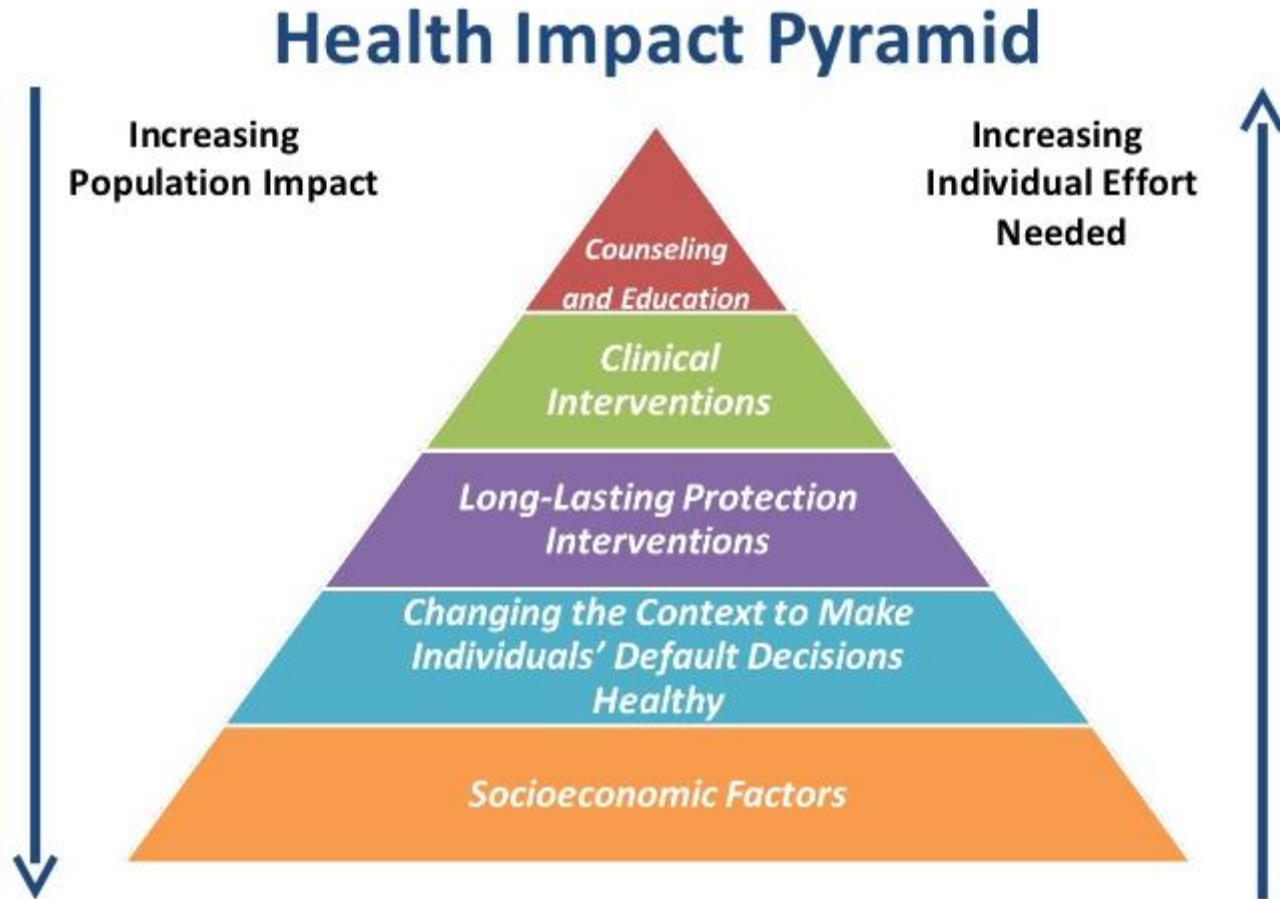


# What is Policy?

**“Policy development is a core function of public health.”**

Institute of Medicine, 1988  
The Future of Public Health  
National Academy Press  
Washington, DC

# Why do Policy?

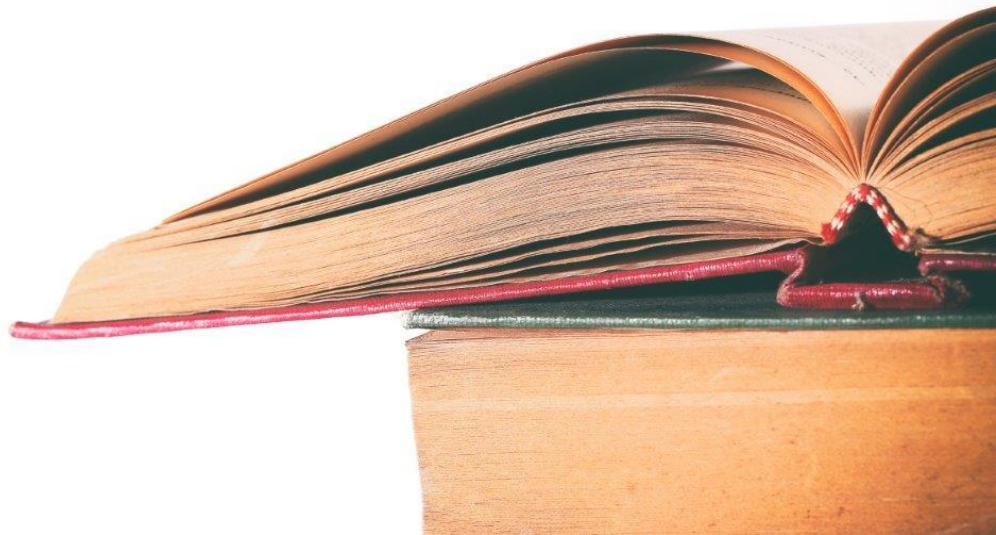


Frieden T. American Journal of Public Health | April 2010, Vol 100, No. 4

# Education vs. Lobbying

# What is Education?

- **The process or art of imparting knowledge, skill and judgement**
- **Facts, skills and ideas that have been learned, either formally or informally**




# What is Lobbying?

- **To conduct activities aimed at influencing public officials and especially members of a legislative body on legislation**



# What is Lobbying?

Education	Policy Development	Lobbying
Collecting and presenting data, information, and examples	Evaluating and promoting effective means to address an identified problem	Requesting specific action
“This is what we know about tooth decay...”	“...and here are known strategies to address it...”	<p>“...and therefore we must do the following...”</p> 

# Sources of Lobbying Restrictions

**18 U.S.C. § 1913 Anti-Lobbying Act**

**FY 2016 Appropriations Riders § 503(a)-(c)**

**Office of Management and Budget Circulars  
2 CFR Part 200, et seq.**

**Additional Requirement (AR) 12  
Official CDC Policy incorporated into grants  
and cooperative agreements**

# Fiscal Year 2017 Appropriations

“No part of any appropriation contained in this Act **or transferred pursuant to section 4002 of Public Law 111–148** shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the **enactment of legislation** before the Congress or any State or local legislature or **legislative body**, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any **proposed or pending regulation, administrative action, or order** issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.”

§ 503(a)





# Fiscal Year 2017 Appropriations

**“No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.”**

**§ 503(b)**



# Fiscal Year 2017 Appropriations

**“The prohibitions...shall include any activity to advocate or promote any proposed, pending, or future Federal, State, or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.”**

**§ 503(c)**



# Federal Restrictions on Grassroots Lobbying

**Grassroots lobbying - efforts directed at inducing or encouraging members of the public to contact their elected representatives at the Federal, State or local levels to urge support of, or opposition to, proposed or pending legislative proposals.**

**Grassroots lobbying for, or against, proposed or pending legislation with federal funds is prohibited.**

**§ 503(c)**



# Unallowable Activities - Examples

- **Grassroots lobbying examples:**
  - Calls to action
  - Sign-on letters urging support for a bill
  - Media campaign ads recommending that the public contact legislators



# Federal Restrictions on Direct Lobbying

Direct lobbying includes any attempt to influence legislative or other similar deliberations **at all levels of government** through communications that directly express a view on proposed or pending legislation and other orders\* and which are directed to members of staff, or other employees of a legislative body or to government officials or employees who participate in the formulation of legislation or other orders.

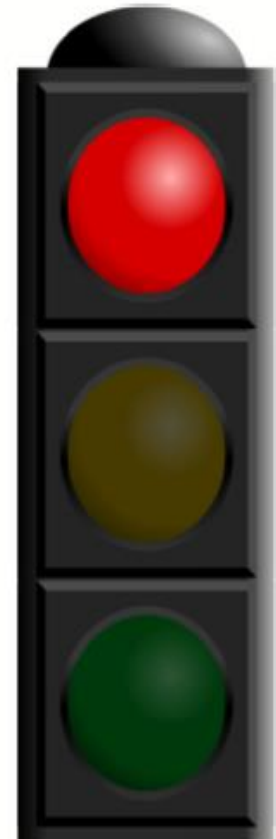
\*Legislation or other orders refers to legislation, appropriations, regulations, administrative actions or Executive Orders, as outlined in the FY 2012 appropriations.

§ 503(c)



# Unallowable Activities - Examples

- **Direct lobbying examples:**
  - Direct lobbying of the US Congress
  - Advocacy to perpetuate or increase funding from the Federal government
  - Communications to legislators that refer to, reflect a view on, and contain a direct call to action on a specific pending or proposed measure



# Federal Restrictions for Recipient Affiliations

“The term ‘recipient’, with respect to funds received in connection with a Federal contract, grant, loan, or cooperative agreement—

**(A) includes the contractors, subcontractors, or subgrantees** (as the case may be) of the recipient; but

**(B) does not include an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency but only with respect to expenditures that are by such tribe or organization for purposes specified in subsection (a) and are permitted by other Federal law.”**

**31 U.S. Code § 1352(g)(1)**



# Prohibited Activities

- **Using CDC/HHS funds to develop or disseminate materials that exhibit all three of the following characteristics:**
  - Refer to specific legislation or other order
  - Reflect a point of view on that legislation or other order
  - Contain an overt call to action
  
- **Exhibiting just two of these characteristics could be a problem as well, and could be perceived as lobbying (even if it technically may not be)**



# Allowable Activities

- **It remains permissible for CDC/HHS grantees to use CDC funds to:**
  - Collect and analyze data
  - Publish and disseminate results of research and surveillance data
  - Implement prevention strategies
  - Conduct community outreach services
  - Provide leadership and training
  - Foster safe and healthful environments

## Allowable Activities - Examples

- **Conducting research on policy alternatives and their impact**
- **Educating the public on personal health behaviors and choices**
- **Communicating with the public on health issues and their public health consequences**
- **Working with private sector organizations to achieve organization or systems changes**



## Allowable Activities - Examples

- **Educating the public with examples of best practices or success stories across states or localities**
- **Compiling and communicating the results of research on health issues and policy approaches that have successfully addressed them**
- **Conducting educational campaigns**



# Allowable Activities - Examples

- **Governmental grantees may:**
  - Work with their own state or local government's legislative body on policy approaches to health issues, as part of normal and recognized executive-legislative relationships
  - Provide public officials with technical advice or assistance concerning evidence of program or policy effectiveness.



**Policy into Practice**

# Policy Development: Issues and Barriers

- **Public distrust**
- **Turf issues**
- **Reactive, crises-driven orientation**
- **Organized opposition**
- **Lack of immediate benefits**
- **Unclear distinction between policy interventions and political action**

# Critical Factors for Successful Initiatives

- **State Health Department perspective:**
  - Meaningful collaborations
  - Support from the community
  - Support from key decision makers
  - Strong science base supporting the intervention

# Critical Factors for Successful Initiatives

- **Collaborating Partner perspective:**
  - Translating science into lay terms
  - Setting practical expectations
  - Avoiding focus on traditional epidemiologic outcomes
  - Assessing community readiness
  - Ensuring coordination



# Pitfalls and Challenges

- **Competing priorities**
- **Issues related to preemption**
- **Exposure to litigation**
- **Restrictions on executive branch involvement in the policy arena**

# Keys to Success

- **Pick your battles**
- **Get commitment at the top levels of your organization**
- **Use data to support your initiative**
- **Bring lots of partners to the table**

# Putting Policy into Practice

- **Know your legal limitations**
- **Be aware of perceptual limitations**
- **Leverage voluntary policy change**
- **Keep your boss, and your boss's boss, and your boss's boss's boss informed**
- **Make a friend in the legislative office, and keep them informed**

**Resources**

# POLARIS



CDC A-Z INDEX ▾

Office of the Associate Director for Policy

Welcome to POLARIS, CDC's portal for navigating policy-relevant tools, trainings, and resources.



### Find Information by Health Topic

POLARIS puts CDC's policy-relevant research, data, and resources about specific health topics at your fingertips. Select a health topic below.

--Select a Health Topic-- ▾

### Find Policy Resources and Trainings

POLARIS brings together CDC's public health-focused trainings and resources on topics such as policy analysis and policy evaluation. Find those and more here.

[View All](#)

<https://www.cdc.gov/policy/polaris/index.html>

# CDC Policy Process

- “Policy is one potentially effective way to improve the health of populations.”
- “Public health professionals play an important role in the policy process.”



<https://www.cdc.gov/policy/polaris/policy-cdc-policy-process.html>

# CDC State Strategies

Office of the Associate Director for Policy

AD for Policy Home > Health System Transformation > State Strategies

AD for Policy Home	
Health System Transformation	-
6 18 Initiative	
Health Impact in 5 Years	+
Health Policy Series	
State Strategies	-
Improving Tobacco Control	
Improving Asthma Control	
<b>Preventing Tooth Decay</b>	
Patient-Centered Health Risk Assessments	+
Health in All Policies	+
Health Policy Analysis and Evidence	+
POLARIS	+
CDC Policy Resources	
About Us	
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**Preventing Tooth Decay**





**PREVENTING TOOTH DECAY**

**The Problem**

One in five people have untreated tooth decay which can lead to pain and infection and ultimately to problems speaking, eating, working, and playing. When tooth decay in very young children requires extensive treatment under general anesthesia in a hospital operating room, costs can increase by thousands of dollars. Timely delivery of fluorides and dental sealants to at-risk people reduces tooth decay and treatment costs. Residence in a fluoridated community also can reduce the percentage of young children receiving dental treatment in a hospital operating room.<sup>3</sup>



<https://www.cdc.gov/policy/hst/statestrategies/oralhealth/index.html>

# Thank you

For more information, contact Centers for Disease Control and Prevention (CDC).  
1-800-CDC-INFO (232-4636)  
TTY:1-888-232-6348 • [www.cdc.gov](http://www.cdc.gov)

*The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the CDC.*

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