Author's response to reviews

Title: Repeal of the Pennsylvania Motorcycle Helmet Law: Reflections on the Ethical and Political Dynamics of Public Health Reform

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Melissa Norton, MD
Editor-in-Chief, BMC Public Health

RE: MS 3224359113188945, entitled "Repeal of the Pennsylvania Motorcycle Helmet Law: Reflections on the Ethical and Political Dynamics of Public Health Reform"

Dear Dr. Norton,

I have carefully read the comments made by the reviewers and have attached to this letter the suggested changes made to the manuscript.

The authors wish to thank you and the reviewers for the time and effort made to evaluate this manuscript.

Respectfully submitted,

Robert A. Cherry, MD, MS, FACS
Reviewer 1:

1. Strengths: This article is written quite clearly and presents new information and analysis on the specific political dynamics underlying the motorcycle helmet law repeal in Pennsylvania. It particularly highlights helmet opponents’ novel tactic of arguing that inexperience, and not lack of helmet protection, causes motorcycle crashes and injuries. It also uses the statistics on motorcycle crash injuries and deaths sparingly but very effectively, and offers straightforward policy analysis.

2. Weaknesses: The author does not seem to have thoroughly reviewed the literature on this long-standing debate. I was surprised to see no reference to the piece, Jones, MM, and Bayer, R, “Paternalism and Its Discontents: Motorcycle Helmet Laws, Libertarian Values, and Public Health,” American Journal of Public Health, February 2007, 97: 208-217. Reprinted as a chapter in Colgrove, J, Markowitz, G, and Rosner, D, The Contested Boundaries of American Public Health, Piscataway, NJ: Rutgers, 2008. This is not just a case of “why didn’t you cite me?” This piece includes both deeper background and wider context in which to place this latest wrinkle in the debate over motorcycle helmet laws, as well as references to a plethora of other published material on the subject.

(Discretionary Revisions)

This is an important reference and has been added to the manuscript on p. 9 (highlighted copy):

Jones and Bayer argued that there was a long-standing inability on the part of public health officials to successfully defend and justify paternalistic protective legislation, which “is aimed at protecting the people from self-imposed injuries and avoidable harms.” The challenge for public health, according to the authors, is to overcome the strong sense of individual liberty and choice that is part of American political culture.


3. Secondly, the classification of motorcycle health proponents as “objective utilitarians” oversimplifies and misrepresents their varied reasons for supporting helmet laws. Helmet law proponents are not necessarily united in sharing a common vision of maximizing social utility (for example, emergency room physicians and public health advocates do not necessarily see eye to eye), but rather in their view that the state can properly regulate behavior when the state deems that it is in the best interests of the population to do so—here, in the interests of the population’s health—and when failing to do so would result in significant harm to the population. Thus, the key difference between the two sides in the debate is not one of utilitarians vs. libertarians, but of paternalists vs. libertarians. (It is just as easy to classify opponents of helmet laws as utilitarians as it is to classify proponents under the broad family of utilitarian ethics. The former might be hedonistic utilitarians (those who value maximizing pleasure) or objective utilitarians who value helmetless motorcycle riding and its conveniences as an objective social good, etc.)
This is an excellent point and the following paragraph has been added on p.5 (highlighted copy):

Some might argue that the classification of motorcycle health proponents as objective utilitarians is an oversimplification and might misrepresent their potentially diverse perspectives on the issue. The reasons for supporting motorcycle helmet laws may be varied and advocates may not necessarily share a common vision for achieving social utility. John and Bayer, for instance, would categorize proponents for helmet laws as paternalists rather than utilitarians.[4] Paternalists would support state regulated behavior requiring motorcycle helmets if the social and economic burden resulting from helmetless motorcycle fatalities and injuries is not in the best interest of society.

In addition, there are now references to paternalists throughout the paper.

4. Also, include these minor essential revisions:
   p. 2
   Abstract line 2: insert “only” between “now” and “required” to clarify
   Line 9: insert “laws” between “helmet” and “have”

   p. 3
   line 11. Replace “their” with “its”

   p. 4 line 4 “prospective” should be “perspective.” If ABATE really issued a statement with this typo, then [sic] should be added after the word “prospective.”
   Line 13 “bike” should be “bikes”

   p. 5
   line 2 insert after “therefore” “argue that” or “claim that”

The corrections listed above have been made

lines 13 and 14. Omit comparisons to cocaine use during pregnancy or reckless and intentional spread of HIV unless you are going to explain these issues and how they are related to the debates over helmet laws. Mentioning them summarily in this way confuses the issue.
Alternatively, this is a place where you could discuss the argument, which you now first introduce in the summary and which therefore seems an afterthought, about how motorcycle crashes “that result in death or severe brain injury [have] an enormous impact on families, friends, coworkers, businesses…etc.” This argument deserves more attention, as it seems to contradict the contention (often proffered by motorcycle helmet law opponents) that the consequences of failure to wear a helmet constitute only a self-regarding harm. By mentioning the harm that inures to others, you are in fact saying that unhelmeted riding is like cigarette smoking in that it can harm others as well.
The references to cocaine use during pregnancy and the reckless and intentional spread of HIV have been deleted.

The following statement has been added on p. 6 (highlighted copy):

On the other hand, the socioeconomic costs related to medical expenses, insurance costs, lost earnings and wages, unemployment compensation, and disability might constitute harm to society as a whole, extending beyond the individual who chose not to wear a helmet during a motorcycle crash.

p. 6
line 5 replace “precedence” with “precedents”
line 14 replace “will” with “would”

p. 7
line 1 replace “stake holder” with “stakeholder”

The corrections listed above have been made

line 3 define “Best Alternative to Negotiated Agreement”

This has been defined as follows on p. 7 (highlighted copy):

In other words, if negotiations are not successful, and an agreement cannot be obtained, then a party will take the best course of action or best alternative to a negotiated agreement

lines 17-21 The Players, Power, Position, Perception framework is an elegant one. Did you come up with this? If you drew inspiration from another source, cite it.

This concept was inspired by my mentor, Marc J. Roberts, who is mentioned in the acknowledgements section. I have also added a reference by him supporting the “4 P’s.”


Reviewer 2:
Major Compulsory Revisions
Although this manuscript is well written and informative, it lacks the scientific rigor necessary for publication in a peer reviewed scientific journal. I would suggest publishing as an editorial rather than a scientific paper.
I will defer to the Editor as to whether this should be published as an editorial or a debate article.

Discretionary Revisions
The discussion could be strengthened with the addition of helmet use and fatality data from other states that have also repealed motorcycle helmet laws. The data presented does not tell the whole story and in some cases (Louisiana and Kentucky) data is not given. The inclusion of the following data, before and after the change in state law, would also strengthen the manuscript: the number or motorcycle registrations, vehicle miles traveled, number of fatalities, as well as age and sex of riders.

The following statement has been added on pp. 6-7 (highlighted copy):

In Florida, there was an 81% increase in motorcycle fatalities in the three years after the state’s helmet law was repealed in 2003. At the time, the media made comparisons to a 2003 federal review demonstrating that fatalities increased over 50 percent in Kentucky and 100 percent in Louisiana after helmet laws were repealed in those states.