



May 22, 2007

Comments submitted to Ms. Vivian Turner, Designated Federal Officer, via email (turner.vivian@epa.gov), regarding “Invitation for Comments on the “Short List” Candidates for the Asbestos Panel of the EPA Science Advisory Board (SAB)” (http://www.epa.gov/sab/pdf/asbestos_panel_shortlist_biosketches.pdf)

I am writing with an issue of great concern regarding several of the candidates included in the “short list” for the Asbestos Panel of the EPA Science Advisory Board (SAB). This list includes several scientists who either own or work for “product defense” consulting firms – firms that are hired by corporations and trade associations to influence policy, especially around environmental and occupational health issues.¹ As a result, the finances of these scientists are so closely linked to companies affected by federal asbestos policy that they should not be included on a panel whose work will help shape such policy.

The role of product defense scientists in supporting efforts to shape federal asbestos policy was on display earlier this month at a public meeting on an asbestos research road map held by the National Institute for Occupational Safety and Health (NIOSH). Member corporations of the National Stone, Sand & Gravel Association (NSSGA) will be impacted by government policy on asbestos. According to an article about the panel published in *Aggregate Research*,² three scientists who appear on the EPA SAB short list appeared at the NIOSH meeting to advocate on behalf of the NSSGA’s position: Ernest McConnell, president of ToxPath Inc.; Graham Gibbs, president of Safety Health Environment International Consultants; and Wayne Berman, president of Aeolus, Inc. (It also should be noted that the NSSGA is a client of the RJLee Group, Inc., employer of two of the other nominees.)

One of the factors EPA will consider in selecting Panel members is the “absence of financial conflicts of interest.” In my view, it is wrong to appoint to advisory committees scientists who

¹ For a more comprehensive discussion of the work of “product defense” scientists, with examples from some of the firms whose scientists have been nominated to the EPA SAB, see Michaels D. Doubt is Their Product, *Scientific American*, June 2005 (available at <http://defending-science.org/upload/Doubt-is-their-Product.pdf>).

² (“Proposed NIOSH Asbestos Research Plan Prompts Concerns Over Direction, Misuse,” May 11, 2007. available at <http://www.aggregate-research.com/aggregate/article.asp?id=10999>)

are paid to help a regulated industry (either corporation or trade association) influence regulatory policy, since the scientists' financial success rests on their ability to influence policy in the direction desired by their clients.

According to information gleaned from the nominees biographies provided in EPA's materials, the following scientists appear to own or be employed by firms whose business model involves assisting companies and trade associations in influencing regulatory policy:

John Addison:

John Addison Consultancy (Consulting group associated with the Vermiculite Association; Dr. Addison is a Director of the Vermiculite Association³): <http://www.vermiculite.org>

Elizabeth Anderson

Exponent, Inc.
www.exponent.com

Charles Axten

Health Risk Solutions
See: http://www.sia-online.org/downloads/Axten_Bio.pdf

Wayne Berman:

Aeolus, Inc.:
<http://www.aeolusinc.com/>

Graham Gibbs

Safety Health Environment International Consultants, Inc. (No website available)

Bryan Hardin

Veritox, Inc.:
<http://www.veritox.com/>

Richard Lee

RJLee Group, Inc. (RJLG)⁴
<http://rjlg.com>

³ One of the objectives of the Vermiculite Association is "To represent the Vermiculite Industry in construction processes with government, statutory organizations, standards bodies and similar organizations worldwide. See: <http://www.vermiculite.org/officers.htm>

⁴ RJLG provides expert services to the National Stone, Sand & Gravel Association. See: http://www.rjlg.com/newsArticle_2005-4-05.html

Roger McLellan⁵

ChemRisk Consultant

<http://www.chemrisk.com/consultants.htm>

Ernest McConnell

Toxicology/Pathology Services Inc. (ToxPath):

<http://www.toxpath.com/>

Dennis Paustenbach

ChemRisk, Inc.:

<http://www.chemrisk.com>

Jay Turim

Exponent, Inc.

<http://www.exponent.com>

Drew Van Orden

RJLee Group, Inc. (RJLG)

<http://rjlg.com>

There may be others in this category as well; I identified these on the basis of the material in the biographical paragraphs supplied by EPA, and some simple searching using Google. The biography of Dr. Addison, for example, makes no mention of the Vermiculite Association, but his Directorship in the trade association is easily found on the web.

Several of the nominees provided public comments at a public meeting of a National Toxicology Panel considering the carcinogenic properties of asbestiform and non-asbestiform talc, an issue very much connected to the issues the EPA panel is likely to consider. (See <http://ntp.niehs.nih.gov/ntp/htdocs/Liaison/121300.pdf>) I believe the EPA should determine whether these individuals appeared as private citizens or as paid advocates at this meeting.

Many of the individuals listed above are scientists who have extensive knowledge and expertise in addressing issues that will no doubt arise in the course of the panel's deliberations. I am not asserting that any of these individuals are not knowledgeable scientists, but rather that the nature of their employment makes them unsuitable for membership on the panel, and that inclusion on the panel would damage the credibility of the panel.

⁵ In 2000, Dr. Roger McClellan, of the firm Inhalation Toxicology and Human Health Risk Analysis, represented Mineral Technologies, Inc. at a public meeting of a National Toxicology Panel considering the carcinogenic properties of talc. See <http://ntp.niehs.nih.gov/ntp/htdocs/Liaison/121300.pdf>

Please note that I am not recommending that scientists with any financial conflict of interest be barred from the panel. Rather, I am asserting that the financial conflicts of interest associated with employment by (or, even more powerfully, ownership of) a product defense firm is potentially so significant that it cannot be “managed” in the way that federal agencies sometimes attempt to address conflicts of interest. As a result, I contend that these scientists should not be named to this important committee.

I understand that EPA needs to seek “balance” in the makeup of this panel. The short list includes several scientists (other than the scientists listed above) who have testified in court on behalf of plaintiffs and/or defendants in asbestos disease suits, and all of them have expertise in the subject matter. In the future, EPA should consider the approach taken by the US Food and Drug Administration and the International Agency for Research on Cancer in limiting membership on panels of scientists with financial conflicts of interest. Under the current circumstances, inclusion of scientists who testify in asbestos cases may be inevitable. However, there is a crucial distinction between such scientists and those nominees whose financial success rests on their ability to influence policy in the direction desired by their clients.

Thank you for your consideration.



David Michaels, PhD, MPH
Director, The Project on Scientific Knowledge and Public Policy
Research Professor and Acting Chairman
Department of Environmental and Occupational Health
The George Washington University School of Public Health and Health Services
2100 M St. NW, Suite 203
Washington DC, 20037
Email: eohdmm@gwumc.edu
Phone: 202-994-2461