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September 19, 2013

Senate Environment & Public Works Committee (EPW)

Senator Barbara Boxer (D-CA)
Chair, EPW

Senator David Vitter (R-LA)
Ranking Member EPW

Ms. Bettina Poirier
Majority Staff Director EPW

Mr. Zak Baig
Republican Staff Director EPW

Re: Unacceptable Levels of industry lobbyist attacks on NIEHS/NTP Director Dr. Linda Birnbaum for her advancement of true science in environmental public health policies.

Honorable Senator Boxer, Senator Vitter, Ms. Poirier and Mr. Baig,

It has been brought to my attention that Senator Vitter, Ranking Member of the United States Senate Committee on Environment and Public Works (EPW), sent Dr. Linda Birnbaum, Director of the National Institute of Environmental Health Sciences (NIEHS) and National Toxicology Program (NTP)¹, a nasty, condescending letter falsely accusing that she practices unscientific bias against industry's misapplication of toxicological risk assessment models. It is common knowledge that their hypothetical calculations and extrapolations are misused to deny liability for causation of illness and death. In relevant part, the misguided September 12, 2013 letter from Senator Vitter to Dr. Birnbaum² states,

“It has come to my attention that your recent involvement in various matters related to U.S. chemical safety policy may be creating confusion and misrepresentation...I am concerned about your intention to speak at a panel discussion September 19, 2013, for the screening of “Unacceptable Levels” in Washington, DC, and your authorship of a recently-published article regarding chemicals and health. Both the film and the article convey a biased, one-sided approach regarding chemical safety, which is in stark contract to the National Toxicology Program's (NTP) stated mission of maintaining an “objective, science-based approach” when evaluating potential public health concerns...For these reasons, I believe it is a conflict of interest for you to participate in an activist event such as the ‘Unacceptable Levels’ tour.”

¹ Director of NIEHS Who is Linda Birnbaum? <http://www.allgov.com/news/appointments-and-resignations/director-of-the-national-toxicology-program-who-is-linda-birnbaum?news=841746>

² September 12, 2013 Letter from Senator Vitter to Dr. Birnbaum <http://freepdfhosting.com/f5159d6ed7.pdf>

These continuing attacks on Dr. Birnbaum by industry lobbyists who have the ear of some United States legislators must stop. For far too long, the science of toxicology has been permitted to be bastardized in the United States on behalf of the interests of industry.³ Beginning as early as the mid-1990's, high ranking federal employees of the National Institute of Occupational Safety and Health (NIOSH) began promoting scientific fraud in public health policies. That scientific fraud is that extrapolations applied to mechanistic research could be used by themselves as proof that various chemicals could never reach a level to harm human health. Former NIOSH employees have gone on to second careers as expert defense witnesses in toxic torts. They rely upon the scientific fraud remaining in policy to lend credence to their paid for hire, bogus, expert witness opinions.

Dr. Birnbaum, herself a toxicologist, has stood strong against the relentless attacks and stood true to science. I.e. she knows toxicology risk assessment models cannot be used by themselves as proof of lack of causation of illness from chemical exposures. She has worked diligently to assure that the unbiased understanding of environmental illnesses must encompass far greater science than hypothetical toxicology risk assessment models.

Senator Vitter, you should be well informed of this scientific fact. Much illness and multiple litigations were caused by formaldehyde poisonings in the FEMA trailers that were sent to Louisiana after Hurricane Katrina. The defense expert witnesses attempted to claim that toxicology risk models served as proof that the illnesses were not caused by formaldehyde. The same occurred in Louisiana for illnesses caused by mold toxins after the hurricane. I am aware that you, Senator Vitter, heard from several of your constituents regarding the confusion, contention and lack of their ability to receive viable medical treatment caused by industry have too much influence over environmental science and policy. Contrary to the false light portrait painted of Dr. Birnbaum as being an unscientific activist; many environmental advocates complain that the NIEHS/NTP does not go far enough to precautionarily protect United States citizens from environmental and chemical exposures.

As such, to portray Dr. Birnbaum as being a biased activist who does not work in the best interest of establishing evidence based science, is an outrageously unscientific and biased claim on your part, Senator Vitter. It would cause one to question if the condescending letter was sent at the urging of industry lobbyists concerned for liability by the NTP's advancement of science; rather than a Senator's concern for public health, public safety and wise use of tax dollars. According to OpenSecrets.Org, Senator Vitter, you have received over \$12 million in campaign contributions. Oil & Gas, Healthcare and Lawyer groups appear among your largest financial backers.⁴

³ 2008 International Journal of Occupational and Environmental Health, "American College of Occupational and Environmental Medicine (ACOEM) A Professional Association In Service To Industry" LaDou, Kramer, et.al. <http://freepdfhosting.com/621823a111.pdf>

⁴ OpenSecrets.Org Senator Vitter Campaign Contributions
<http://www.opensecrets.org/politicians/summary.php?cid=N00009659&cycle=2014>

Quite frankly, Senator Boxer and Ms. Poirier, it is a slap in the public's face that U.S. legislators would vote to bomb another country for poisoning its people with chemicals; but would allow the continuing bullying, character assassination and intimidation tactics to be used on one of our nation's premiere toxicologists and others for work to promote accurate science in public health policies. This is not the first time that Dr. Birnbaum has been forced to defend herself and the NIEHS/NTP from unfounded attacks by U.S. legislators.⁵

Instead of attacking a proponent of pure science, a more productive endeavor for Senators of EPW and Health, Education, Labor and Pension (HELP) Committees would be to order the completion of the Federal Government Accountability Office (GAO) of the mold issue that was initiated by the late Senator Kennedy in 2006.⁶⁷ The following, which was oddly deleted from the scope of the GAO audit in 2007⁸, encompasses the abuse of the science of toxicology and ruthless tactics employed which have aided industry to avoid liability for many types of environmental poisonings and carcinogens for many years.⁹

“What medical and scientific standards are used in determining the admissibility of evidence of both acute and persistent health consequences resulting from exposure to mold? Which individuals and organizations have promulgated these standards and what, if any, conflicts of interest exist regarding these standards?”

Or perhaps an even more productive endeavor to protect U.S. citizens from chemical poisonings and to curtail the burden on taxpayers because of the environmental disabilities and deaths being caused, would be to hold Senate hearings to determine who is funding and promoting these continued and unfounded legislative attacks on Dr. Linda Birnbaum's character and on the correctly objective, scientifically based approach of NIEHS/NTP. Contrary to Senator Vitter's misguided letter, public speaking and raising awareness of the potential for chemical poisonings and carcinogen exposures should be encouraged. It should be considered as Dr. Birnbaum and other government employees doing their jobs to inform the public of potential environmental health risks for the benefit of public health.

Sincerely,



Mrs. Sharon Noonan Kramer

fc: Sixteen members of Senate EPW
Senator Dianne Feinstein (D-CA)
Dr. Francis Collins, Director, NIH

Twenty-three members of Senate HELP
Ms. Kathleen Sebilus, Secretary US DHHS
Dr. Lawrence A. Tabak, Deputy Director NIH

⁵ July 2013 Center for Public Integrity “Industry Muscle Targets Federal ‘Report on Carcinogens’” <http://www.publicintegrity.org/2013/07/30/13068/industry-muscle-targets-federal-report-carcinogens>

⁶ July 7, 2013 Letter to 23 members of Senate HELP, Senator Boxer & Senator Feinstein, et al. Re: scientific fraud in U.S. environmental public health policies & intimidation tactics to keep it viable in the face of NIEHS/NTP's valid toxicology risk assessment. <http://freepdfhosting.com/1475f5e518.pdf>

⁷ October 2006 Senator Kennedy's GAO audit request <http://freepdfhosting.com/f18db049a6.pdf>

⁸ February 2007 Deletion conflicts of interest investigation <http://freepdfhosting.com/ea128af618.pdf>

⁹ January 2007 Wall Street Journal “Amid Suits Over Mold Experts Wear Two Hats” http://www.drcraner.com/images/suits_over_mold_WSJ.pdf