Protecting Public Health - Given Real and Manufactured Scientific Uncertainty

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According to repeated nationwide surveys,

**More Doctors Smoke CAMELS than any other cigarette!**

Doctors in every branch of medicine were asked, “What cigarette do you smoke?”
The brand named most was Camel!

**THE DOCTORS’ CHOICE IS AMERICA’S CHOICE!**

For 30 days, test Camels in your “F-Zone” (F for Throat, F for Taste).

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**NOW... Scientific Evidence on Effects of Smoking!**

“A medical specialist is making regular bi-monthly examinations of a group of people from various walks of life. 45 percent of this group have smoked Chesterfield for an average of over ten years.

After ten months, the medical specialist reports that he observed... no adverse effects on the nose, throat and sinuses of the group from smoking Chesterfield.

**MUCH Milder CHESTERFIELD IS BEST FOR YOU**

*Contains tobaccos of better quality and higher price than any other King-Size cigarette.*
Follow-up Study Sheds New Light on Smoking And Infant Survival

Small babies born of cigarette-smoking mothers are markedly less likely to die at birth than are small babies of non-smoking mothers, a University of California biostatistician has found.*

In a study of 6,800 infants born at the Kaiser Foundation Hospital, Oakland, Calif., Dr. Jacob Yerushalmy confirmed earlier findings that smoking mothers have more babies weighing under 5 lbs. 8 oz. (2500 gm.) at birth than do non-smokers.

Among 3,189 babies of non-smoking white women, Dr. Yerushalmy found 112 (3.5 percent) underweight, (Continued on page 2)


From 1908 to 1959...

Massive German Study Points to Occupational Hazards in Lung Cancer

An increase in lung cancer incidence in Germany has been found to be most marked in three groups of occupations exposed to air pollutants, a team of pathologists and statisticians has concluded.*

Their report included observations of recent lung cancer cases as well as study of autopsy records as far back as 1908. They found lung cancer incidence was most prevalent in a major industrial area among these groups:

1) Outdoor workers (high and deep construction workers, agricultural workers);
2) Industrial workers and craftsmen doing industrial type work;
3) Persons exposed to the effects of modern vehicular traffic (chauffeurs, railroad workers, messengers, traffic policemen, salesmen, etc., exclusive of office workers).

A lower incidence of epithelial lung cancer was found among (4) “craftsmen of the old type who work in small shops,” and among (5) “domestic, warehouse, store, office and administrative workers, and also members of the teaching profession,” the investigators reported.

These conclusions emerged from a six-year study of 1,222 cases of the disease, plus an analysis of more than 26,000 autopsy records reaching back to the year 1908, according to Prof. Dr. Reinhard Poche, chief physician, Pathological Institute, Düsseldorf Medical Academy. The project also involved university departments of pathology at Bonn, Solingen, Bethel, Bielefeld, Dortmund, Duisberg, Essen, Essen-Steele, Cologne-Merheim and Münster.

The records studied covered the patients’ history, occupations, urban or rural residence, war record, interment record, smoking habits and histological diagnosis.

The increase is accounted for chiefly by squamous epithelial carcinoma, Dr. Poche found, and must be regarded as occupational. 

‘Lung Cancer Rare in Bald Men’

A relatively low incidence of lung cancer among bald men has been reported by two New Orleans physicians.* In contrast, the study supported earlier findings that baldness is associated with “increased susceptibility to heart disease.”

Drs. Morton Brown and Howard A. Buechner studied 225 control patients and 186 lung cancer patients at the New Orleans Veterans Administration Hospital. The incidence of baldness among the controls was 25 percent, as opposed to 25 percent among Negro controls. Among the lung cancer patients, however, only 11 percent of the whites were bald, and only 10 percent of the Negroes, the investigators report.

The highest incidence of baldness among the lung cancer patients was 16 percent in the group aged 60-70 years. In contrast, the incidence of baldness among the controls in this age group was 25 percent. 

Tobacco’s Campaign to Manufacture Uncertainty

“Doubt is our product, since it is the best means of competing with the ‘body of fact’ that exists in the minds of the general public. It is also the means of establishing controversy.”

-Brown & Williamson Document No. 332506, 1969
The scientific debate remains open. Voters believe that there is no consensus about global warming within the scientific community. Should the public come to believe that the scientific issues are settled, their views about global warming will change accordingly. Therefore, you need to continue to make the lack of scientific certainty a primary issue in the debate…

(emphasis in original)
Why Scientists Disagree About Global Warming
The NIPCC Report on Scientific Consensus

Craig D. Idso · Robert M. Carter
S. Fred Singer
FORD SPENT $40 MILLION TO RESHAPE ASBESTOS SCIENCE
Case Studies

SUPPORT TO DRUG MANUFACTURERS

The Food and Drug Administration proposed cancellation of a registered new drug. Cancellation requires an administrative hearing. THE WEINBERG GROUP was retained by two manufacturers of the drug under attack, to define strategy for the administrative hearing, identify the experts to be used in the continued support of the drug; assist in the preparation of the experts for written testimony, analysis of the testimony of experts for the Food and Drug Administration, and preparation for oral cross-examinations and preparation of the summary brief. This led to an extensive process with a written appeal from the first decision to the Commissioner and leading to 10 additional years of sales prior to the ultimate cancellation of the drug.
Shameless Self-Promotion

The Triumph of Doubt
Dark Money and the Science of Deception
David Michaels
The Enronization of Science

• Scientists hired to defend products or activities in regulatory and legal arenas

• Their value is their ability to influence regulation and litigation, not to provide valid science

• Produce science of questionable value
Selected Glassdoor Reviews by Product Defense Firm Employees

• “This is a law consulting company, not a science consulting company. Don’t expect to be a ‘scientist.’” [Cardno ChemRisk]

• “Some of the principal scientists have questionable ethics (and have been called out for it).” [Gradient]

• “Sometimes you will be working for the evil do-ers and trying to make it seem like they did nothing wrong.” [Exponent]
ASBESTOS, TOBACCO, PHARMACEUTICALS - WE’RE ALL NEXT!

• Scare science

• The loss of presumptive innocence

• Where will the liability end?

Presented by
Mr. Joseph Huggard
The Weinberg Group LLC
18 June 2003
A conflict of interest is strongly associated with tobacco industry–favourable results, indicating no harm of e-cigarettes

Charlotta Pisinger a, b, Nina Godtfredsen c, d, Anne Mette Bender e

Highlights

- Studies assessing the potential harm of e-cigarettes reach contradictory results.

- Abstracts from 94 studies were blinded and independently evaluated by two assessors.

- 95% papers without a conflict of interest (COI) found potentially harmful effects.

- Industry–related COI was strongly associated with finding of no harm of e-cigarettes.
The Funding Effect

• The close correlation between the results desired by a study’s sponsors and the results reported

• Identified in studies of numerous classes of pharmaceuticals and other chemicals
The Work of Mercenary Scientists Hurts the Credibility of All Scientists

Dogbert Consults

Every credible scientist on Earth says your products harm the environment.

I recommend paying weasels to write articles casting doubt on the data.

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Can We Trust the Advice of Conflicted Scientists?
Vioxx: A very quick natural experiment

• Results of several early studies lent themselves to conflicting interpretation.

• Merck-affiliated scientists and independent experts disagreed on how to interpret the data.

• Eventually, the truth is reached through double blind placebo trial (“gold standard”)
How did different scientists interpret the same data?

• US FDA approved Vioxx in May 1999

• In August 2001, JAMA publishes review of Vioxx trial by three scientists not associated with Merck.

• Patients taking Vioxx had 2.4 times the risk of cardiovascular event, compared with those taking naproxen.

The response of conflicted scientists: “It’s the Aleve, not Vioxx”

• Merck-affiliated scientists blame Aleve: “Differences observed between [Vioxx] and naproxen are likely the result of the antiplatelet effects of the latter agent.”

• “We believe that the analysis of [the independent scientists] provides no substantive support for their conclusions.”

Whose Interpretation was Correct?

- In 2000, Merck launched a randomized control trial, to test if Vioxx prevents colon polyps.

- Study compared Vioxx to a placebo.
Cumulative Incidence of Cardiovascular Events in the Vioxx and Placebo Groups
The Cost of Getting it Wrong

• 2004: Merck halts placebo trial and withdraws Vioxx from the market

• By then, an estimated 80M people worldwide (20M Americans) had taken the drug.

• FDA scientists estimate Vioxx caused between 88,000 and 140,000 heart attacks in United States alone.

How Did Merck-Affiliated Scientists Fail to See the Obvious?

“It is difficult to get a man to understand something when his salary depends on his not understanding it.”
• Upton Sinclair, 1935
Who Pays the Price for Manufactured Uncertainty?

• People, sickened by exposures that should have been prevented.

• Shareholders, when corporations are caught manipulating the scientific evidence to avoid regulation.
Asbestos discovery triggers Johnson & Johnson baby powder recall in US

18 October 2019

Health care giant Johnson & Johnson has recalled 33,000 bottles of baby powder in the US, after health regulators found trace amounts of asbestos in a bottle purchased online.
Lawsuits Involving Johnson’s Baby Powder

• Studies have found ovarian cancer associated with use of talcum powder.

• In a lawsuit in Missouri, 22 women with ovarian cancer sued J&J, alleging their ovarian cancer was caused by Johnson’s Baby Powder.

• Jurors agreed, awarding the women $550M ($25M each).
But there’s more....

• The jurors were given documents showing how talc firms and their trade associations were able to convince US government agencies NOT to label products containing talc as potentially carcinogenic.
How the Talc Industry Avoided the Label “Carcinogenic”

• In 2000, US National Toxicology Program Board of Scientific Counselors considered categorizing “asbestiform talc” as a human carcinogen and non-asbestiform talc as reasonably anticipated to be a human carcinogen.

• Talc producers and users (including J&J) hired product defense firms to oppose the categorization

• The objective: “create a reasonable doubt in their minds”

• The strategy: “come up with more confusion.”
How’d That Work Out?

• Clearly influenced by J&J’s behavior, the jurors awarded the women $4.14B in punitive damages.

• One juror told the press: “We were just trying to find something they would feel.”

• J&J market value decreased about $50B, attributed to the asbestos/talc problem.

• The firm is now facing >14K ovarian cancer lawsuits
Another Example: Glyphosate

• 2015: WHO’s International Agency for Research on Cancer categorized Monsanto’s pesticide glyphosate as “probable” human carcinogen.

• Monsanto launched campaign against IARC, hiring numerous scientists to defend glyphosate.

• Monsanto’s financial role and ghost-writing were not acknowledged in some papers.

• This all was revealed in lawsuits.
• Several workers sued Monsanto, alleging their non-Hodgkin’s lymphoma was caused by glyphosate. Monsanto’s behavior drove the size of the awards.

• In the first case, jurors awarded $289M, including $250M in punitive damages.

• In another case, jurors awarded a couple $1B each in punitive damages.

• >20,000 lawsuits now pending.
How About the Stockholders?

• In 2016, Bayer purchased Monsanto for $63B
• How’d that work out?
Worst deal ever? Bayer's market cap now close to the total cost it paid for Monsanto

by Angus Liu | Aug 29, 2019 12:13pm

Bayer's market cap now is close to the amount it paid for Monsanto, making the deal one of the worst in recent years. (Bayer)

What does one of the worst corporate deals in modern history look like? In Bayer’s Monsanto takeover, it means the value of an entire company has gone poof.

Bayer acquired Monsanto for $63 billion in 2018 after a tough buyout battle and intense antitrust scrutiny. The German conglomerate’s market cap in 2019 is now $62 billion after a downturn in its core drug business and a charge to settle US lawsuits over its Roundup weedkiller. Bayer’s once low-risk assets include at least one of the world’s top-selling prescription drugs, the arthritis drug Xarelto, and drugs for smoking cessation and bladder control that are at the center of legal battles over the dangers of the painkiller Vioxx.

The Bayer Monsanto deal was Bayer’s biggest ever and one of the most controversial in corporate history. It was a blockbuster deal that kept shareholders engaged and put the company’s growth plan in focus. It was also a controversial one because of its size and scale. The deal created a new company, called Bayer AG, with a market capitalization of $150 billion.

Bayer’s stock price has fallen by about 40% since the deal was announced, and many investors are now questioning whether the company can deliver on its promises. Bayer is hoping to cut costs and boost profits by selling off its consumer healthcare business and some of its medical devices businesses. The company is also looking to reduce its debt by selling off some of its businesses.

The deal has also sparked a legal battle in the US, where plaintiffs have charged that the company knew about the dangers of its products for decades but didn’t do enough to warn the public. Bayer is currently involved in more than 12,000 lawsuits in the US, and it is facing a number of other legal challenges in other countries as well.
To Protect Public Health (and Stockholders) What Needs To Change?

- Producers of potentially hazardous chemicals must pay for the research, but not control it.

- Research on safety of products must be directed, conducted and interpreted by independent, *unconflicted* scientists.
What Else Needs To Change?

• Regulate toxic chemicals by class, not one by one.

• Chemicals are not innocent until proven guilty:

   End the Presumption of Innocence!
Thank You for Listening