Believing We Have a Functional EPA Is Worse Than Having a Non-Functional EPA

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Jonathan Latham is co-founder and executive director of the Bioscience Resource Project and editor of the Independent Science News website. He is a noted critic of corporate interference in scientific endeavors and regulatory bodies, and provides independent scientific research and analysis to the public and media.

Latham holds a Master's degree in crop genetics, a Ph.D. in virology and has published scientific papers in disciplines as diverse as plant ecology, plant virology, medical genetics and genetic engineering. He regularly presents at scientific conferences on papers published by the Bioscience Resource Project.

Latham is currently working on a book about how genetic science has been manipulated and misrepresented by corporate interests, and how it can be better studied, understood and taught.

In this interview, he discusses his Poison Papers project, a major collection of released regulatory and chemical industry documents, and explains why he

says that “the only thing that could be worse than a non-functional Environmental Protection Agency (EPA) is a non-functional Environmental Protection Agency but with a public that largely imagines that they have a functional EPA.”

Lorna Garano: What are the Poison Papers?

Jonathan Latham: The Poison Papers [is] a trove of two-and-a-half tons of papers from government and chemical industry sources. They were obtained mainly by Freedom of Information Act (FOIA) requests and through court orders, and consist of internal reports and studies, meeting minutes, correspondence, unsealed court documents, and so forth. They primarily cover the 1960s to the 1990s. Our organization, The Bioscience Resource Project, together with the Center for Media and Democracy (CMD) organized to have them scanned and placed online in DocumentCloud. They can be found and searched here. They mostly originate from the chemical activist Carol Van Strum, without whose campaigning Agent Orange would probably still be legal.

Can you give us a little background on the story of the Poison Papers? How did they come to light? Who is Carol Van Strum?

I originally heard about them from Carol herself when she approached us to write about the chemical industry and the EPA for our website Independent Science News. She collected the documents over many years of investigating the chemical industry, which is a story that began with the spraying of her family who were homesteaders in the Oregon woods. They later found out that what made them ill and killed their animals and local wildlife was Agent Orange. We then collaborated with CMD [which has] experience — for example, with the American Legislative Exchange Council documents — of handling large document collections.

The EPA has knowingly supported a system of often fraudulent and defective independent testing of chemical products.

Plans are underway for the Poison Papers to be archived at the University of California, San Francisco (UCSF). Why have you chosen to house them there?

We chose UCSF because it already hosts the legendary tobacco legacy documents. Secondly, UCSF has begun a new library called the Industry Documents Library whose aim is to host internal documents of the food and chemical industries. Third, UCSF's long history of storing controversial and once-secret documents means they understand the political dimension of librarianship. Having the documents there brings us closer to guaranteeing

the perpetual availability of the Poison Papers and will make them easier to search and access.

One of the chemicals that show up in the Poison Papers is permethrin. What is this, what products contain it and what do the Poison Papers reveal about how it came to be on the market?

Permethrin shows up in two major types of distinctive flaws in the permitting of chemical pollution. One is that [the] EPA has knowingly supported a system of often fraudulent and defective independent testing of chemical products. The second issue evident with permethrin, and other chemicals too, is that the EPA has systematic procedures to evaluate them that are biased in favor of finding no harm. They are so biased, in fact, that it is virtually impossible for substances to fail to be approved. In the case of permethrin, for example, there were multiple warning signs that it was a carcinogen and a chronic toxin as well.

It's a serious claim to accuse the EPA of knowingly relying on fraudulent data. Explain to us how the science was compromised in the case of permethrin.

There are many specific ways that chemical assessments in the Poison Papers fall short. In the case of independent testing, we know that the EPA audited laboratories testing permethrin and found them to be unsatisfactory but did nothing. Also, laboratories submitted results with many animals and many data points missing. Missing data implies, at the least incompetence, but a more likely explanation is that the missing data implicated permethrin as a toxin.

Many court cases and compensatory agreements for veterans foundered on fraudulent data about dioxins.

Major problems were evident with the EPA's internal procedures, too. For instance, as part of the bias I mentioned above, EPA evaluators would introduce invalid historical data; or they would discount evidence of carcinogenicity if it was not found equally in male and female rats, or vice-versa; or they would revisit the categorization of cancer-like tumors. These were clearly unscientific and intended only to discredit evidence of carcinogenicity. In fact, one of the EPA's senior scientists, Adrian Gross, called these procedures interpretations "calculated to impress the uninitiated and the gullible." In short, almost any superficially plausible excuse was deployed to avoid characterizing a product as a "hazard." The ultimate consequence was to make chemical evaluation and testing a pseudo-scientific facade.

Who was Adrian Gross and what does his tenure at the EPA tell us about the agency's culture?

Adrian Gross was originally a Food and Drug Administration scientist. He was responsible for uncovering a series of chemical testing scandals. The most important of these was called the IBT scandal. IBT was a chemical testing laboratory that performed almost 40 percent of US chemical testing (including atrazine, glyphosate and 2,4-D[ichlorophenoxyacetic acid]) but most of [its] work was ultimately found to be fraudulent. Three of its employees went to jail, one of whom had come from Monsanto to test its own products. Adrian Gross subsequently moved to the EPA, who found his rigor and independence altogether too much, so they sidelined and ignored him.

Gross probably wouldn't be considered a whistleblower in the conventional sense, but there have been whistleblowers at the EPA. One of them was William Sanjour. Tell us about him and what his story suggests about how EPA silences critics.

William Sanjour was a prominent EPA whistleblower in the 1970s and '80s and branch chief of its Hazardous Waste Division. He tried, among other things, to get the EPA to investigate Monsanto's fraudulent studies on dioxin's effects on its workers. Sanjour also tried to help members of the public who were fighting incinerators and waste dumps. The EPA tried to remove him

from his position, and tried also to prevent him from receiving expenses from citizen groups so he couldn't travel, but he prevailed in a landmark court decision against the EPA that allows EPA officials to accept travel disbursements from the public.

One of the most eye-opening documents in the collection comes from a meeting in Arlington, Virginia, in the late '70s between the EPA and its Canadian counterpart, the Health Protection Branch. Tell us about what the minutes of this meeting reveal and how what happened then still matters today.

When the extent of the IBT fraud became apparent to the EPA, they realized that a huge proportion of agricultural and industrial chemicals would have to come off the market. They were illegal and quite probably unsafe. Instead of letting that happen — or even releasing a list of affected chemicals, which would have allowed people to make their own decisions — the EPA concocted a story that they would "investigate" IBT testing, for what eventually would be seven years. Thus, buying time for the chemical industry to redo affected tests while hiding the fraud behind a smokescreen of an unnecessary "ongoing investigation." The Arlington meeting was where much of that strategy was decided, and its minutes are all in the Poison Papers. This ensured that toxic

and untested chemicals would remain on the market, where they still are today.

You say that the Poison Papers show that EPA colluded with the pulp and paper industry to "suppress, modify, or delay" the results of the congressionally mandated National Dioxin Study, which found alarmingly high levels of dioxins in everyday products, such as baby diapers and coffee filters, as well as pulp and paper mill effluents. Give us the background on this and also please explain why we should be concerned about dioxins.

Rule number one at EPA: Any information likely to embarrass a major industry must never see the light of day.

Dioxins are a family of compounds that are byproducts of industrial chlorine chemistry. They are also one of the most toxic chemicals ever discovered. They are toxic to humans at low parts per trillion, causing a range of birth defects and many other illnesses such as cancer at low doses and liver damage at higher ones. They are almost non-biodegradable and they accumulate in the food chain. The main hope of toxicologists is that they will be buried in sediments and effectively lost to the food web. The main hope of [the] EPA, since it neither regulates them nor tests for them nor admits their toxic consequences, is to shut its eyes and hope for the best. The specifics of the National Dioxin Study for the paper industry is that the bleaching of paper

using chlorine releases large quantities of dioxins, which was a bombshell to them and why many estuaries in remote areas are heavily contaminated with dioxins.

One of the stunning revelations in the Poison Papers is a document that includes testimony given under oath by Monsanto's chief medical officer George Roush. What does this document reveal?

In the relatively early days of Agent Orange, that is the 1970s and 1980s, it was known that dioxins were extraordinarily harmful to mammals in laboratory experiments. True to form, the chemical industry argued — highly implausibly to anyone except themselves and the US government — that this toxicity might not apply to one particular species: humans. The only people who could test this were chemical manufacturers who had a large supply of contaminated workers and their families. So, Monsanto published three studies on its workers that supposedly proved that dioxins were not human carcinogens. Except, as Roush admitted under oath, those papers were all fraudulent. Many court cases and compensatory agreements for veterans foundered on that fraudulent data.

Why do you think the chemical industry has been able to exert such influence?

The EPA protects polluters and not the public. It merely pretends to protect the public. That is what I came to understand as a scientist who studies the EPA and other regulators, including ones in other countries. The fundamental reason, however, is not understood. It is not “revolving doors” or industry pressure that compels the EPA to operate on the side of polluters, or the waste industry or the GMO industry. To understand the real story, it is necessary to listen to whistleblowers like William Sanjour. What he will tell you is that the EPA does not have the support in Washington to do its job. In particular, that means it doesn’t have the support of Congress or the president. Therefore, the EPA *has* to plan to fail. The agency *cannot* fulfill its stated mission because *if* it did actually ban important products or impose large fines, then the president would fire the chief administrator. This may be a mystery to most, but inside the agency, it is rule number one: Any information likely to embarrass a major industry must never see the light of day.

What the Poison Papers show is that the EPA *could not be worse*.
So — and one observes this in detail in the Poison Papers — all evidence of fraud or harm is buried at the first possible opportunity, preferably before it even reaches the agency. This is why the EPA farmed out chemical testing in the first place, and why it tolerates fraudulent testing when it discovers it. So, this is why we say that chemical testing is a facade. This is why we say consumers must protect themselves. So, to answer your question, this is also

why industry pressure is so effective. It is because EPA officials are already falling over themselves to please the industry. An industry lobbyist merely has to express a mild preference for A and not B, and they can be pretty sure it will happen. The only time it doesn't happen is when some other industry wants B and not A.

An important reason all this is not understood, however, is the campaigning of many NGOs. On a longstanding theory that unless the EPA is supported [and] things could be worse, they have tempered their criticisms of the agency, and many are now rallying around to defend it from Donald Trump. But what the Poison Papers show is that the EPA *could not be worse*. The only thing that could be worse than a non-functional EPA is a non-functional EPA but with a public that largely imagines that they have a functional EPA. Unfortunately, this last is where we are today.

How can we fix the EPA so that it fulfills its mission as a regulatory agency that puts the health and safety of the public and environment before the demands of industry?

There are several solutions. One is to make the agency independent of the president. The second is to divide the agency into two parts: one responsible for enforcement and the other for the writing of regulations. This is because at the moment, it is too easy for the officials in EPA to write loopholes into

regulations, which they do. The third solution is to protect and reward whistleblowers effectively. The fourth is to bring chemical testing in-house where it can be overseen and FOIA'd [obtained under the Freedom of Information Act]. All four are necessary.