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EPA Collusion with Industry

A Very Brief Overview

Liane C. Casten / Synthesis/Regeneration 7-8 Summer 1995

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The following is testimony to the US Environmental Protection Agency (EPA) presented at its hearing of December 14, 1994, concerning the reassessment of dioxin. —Editor

I'm here to say that notwithstanding the power of the EPA's dioxin reassessment, the agency all along has known about dioxin's toxic properties, and has done just about everything it could to keep the general public in the dark. In fact, the EPA has worked aggressively with industry in order to protect those large polluting corporations while those corporations keep spewing out dioxin in their manufacturing processes or products.

The early cover-up was successful. As a result, the health consequences to this country are serious. Dioxin is everywhere. *The EPA has been part of the problem, not part of the solution, because the EPA would not take action on this political chemical*—and still may not, even after the 1994 reassessment. Actions are now political.

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Both the federal government and industry have waged a successful war to obscure the known seriousness of dioxin as a contaminant in both Agent Orange and in the present careless manufacture of dioxin through industrial processes. After the Vietnam War the issue was product liability and veterans compensation. The issues now are pretty much the same thing. EPA's big goal has been to protect industry.

Let's review some of EPA's cover-up activities:

1965. Dow Chemical conducted a series of dioxin experiments on prisoners incarcerated in Holmsberg Prison, PA. Under the direction of V. K. Rowe of Dow, Dr. Albert Kligman was given \$10,000 to conduct his experiments—putting a specific amount of pure dioxin on the backs of these human guinea pigs. Dr. Kligman even increased the dosage dramatically at one point, without Dow's knowledge. This is important for two reasons: After the prisoners were released, some came to the EPA for help. They were quite sick.

The EPA rejected their claims and "lost" their files—even though major testimony about these experiments came to light in 1980 EPA hearings. Mr. Rowe testified about them. No moral outrage here. Rowe refused to follow up on the state of these prisoners, would not conduct anything close to a medical exam, and the matter was dropped.

The result? Dow Chemical could continue to claim that "Beyond a case of chloracne, there is nothing wrong with anyone exposed to Agent Orange." The EPA blew a powerful opportunity to check on a controlled body of men with known exposure—and didn't.

1978. When the Department of Defense decided there was no legitimate domestic use for Agent Orange, they decided to burn thousands of barrels left over from the war at sea off Johnson Island, a Pacific atoll. Enter the EPA with major advice for taking care of the personnel on board the incineration ship, *Vulcanus*. Agent Orange was burned there at 1,000 degrees C. The EPA 1978 manual said:

The highly toxic contaminant present in Herbicide Orange is 2,3,7,8-tetrachlorodibenzo-p-dioxin. The US Air Force has analyzed Herbicide Orange stocks and found TCDD concentrations ranging from 0.05 to 47 ppm [parts per million]. Times Beach was evacuated at 2 ppb—parts per billion. Pooled stocks would have an estimated average TCDD concentration of 1.9 ppm.

The principal Herbicide Orange constituent of concern, TCDD, has been found to be highly embryotoxic, teratogenic (tending to cause developmental malfunctions and monstrosities,) and acnegenic and is lethal in the microgram-per-kilogram of body weight range [emphasis added].

The effects observed on workers are summarized below—to emphasize the need for personnel hygiene:

- chloracne (moderate to severe skin irritation, with swelling, hardening, blackheads, pustules and pimples;
- hyperpigmentation (skin discoloration);
- muscular pain;
- decreased libido, fatigue, nervous irritability, intolerance to cold, destruction of nerve fibers and nerve sheaths.

In addition, effects on exposed test animals...may be considered possible effects on the human system, especially when the metabolism of the animal is similar to that of man. These effects include toxicity to embryos, birth defects, possible carcinogenicity and even death. It should also be noted that the greatest hazard is to pregnant females and their fetuses, especially in the first third of the pregnancy period.

The manual then spoke of the ways of "entry of TCDD into the body: through mouth—ingestion; through the skin—percutaneous; through the lungs and eyes."

If this weren't enough, the manual was put together with the cooperation of Dow Chemical's Rowe, who had been Dow's point man in telling all the customers that there were no problems with their herbicides while secretly writing to all Dow management that TCDD is

"the most toxic material we've ever studied." Add the Department of Defense and the US Air Force Environmental Health Labs to the committee.

The manual then goes on to describe in great detail just what kind of precautions the workers on board the *Vulcanus* must take to ensure safety and then what to do should a worker become exposed: "Decontaminate him immediately; speed is essential."

1978. Local (Michigan) representatives informed FDA's Detroit District that they had presumptively detected dioxins in the Tittabawassee and Saginaw Rivers, which take the outflow from Dow. EPA estimated about 300 ppt (parts per trillion, very high!) total dioxin in the river water. EPA obtained 21 fish samples from the Michigan Department of Natural Resources, taken from both rivers. They found high levels of TCDD, from 11 to 153 ppt, and did nothing about their findings.

1979. EPA's Mike Dellargo wrote a scathing report on the evils of dioxin, identifying most of what the 1994 official version finally admitted. Dellargo wrote his 60-page analysis as a rebuttal to Dow Chemical's lies. He analyzed their claims and then found the holes. But the public spotlight was not on the EPA then, and Dellargo's report was shelved. Here are a few snippets—not at all dissimilar to the 1994 findings:

- TCDD is 10 times more potent than the potent human carcinogen aflatoxin.
- TCDD is a complete carcinogen when applied to the skin...TCDD was acting as a "potent promoter of neoplastic changes." This led to the wide variety of tumors to be associated with low dose levels in the diet.
- Fetotoxic and embryoethal effects have been reported in studies, using low-dose regimens of TCDD. Impairment of reproduction was clearly evident among rats...Fetal effects have routinely been observed in mammalian species at doses where the mothers appear to be perfectly normal.
- TCDD is one of the most potent known teratogens (causing birth defects). Increased incidence of early spontaneous abortions and reproductive difficulties. The significance of these results in nonhuman primates should not be underestimated because of the close similarities between the reproductive systems of humans and monkeys.

- This combination of high toxicity and significant exposure clearly results in significant risk potential for people who are exposed to TCDD-containing herbicides.
- Milk and beef are a serious source of TCDD contamination. (Just like the 1994 version. Lots of eating has gone on between 1979 and 1994. By 1991, the entire food supply, especially animal products, contained so much dioxin that the average American ingests from 150 to 500 times EPA's "acceptable" dose on a daily basis. A single meal of Great Lakes fish can contain the "acceptable" dioxin dose for an entire year.)

1980. EPA held suspension/cancellation hearings on 2,4,5,T. The agency heard expert testimony from an enormous variety of scientific experts—all stating variations of the same thing: dioxin is a very dangerous substance. The hearings came about because of the large-scale miscarriages in Alsea, Oregon after the Forest Service sprayed the forests. Dow was able to keep key scientists from testifying—especially Dr. Ralph Dougherty, who had shown chromosomal damage in the sperm of returning Vietnam vets. The result: a suspension, not a complete cancellation.

However, it's been reported that EPA officials had concealed evidence conclusively linking dioxin to miscarriages and had forbidden its scientists to discuss the project with the public or the media. Within two months after the suppressed link came to light, EPA began an internal investigation.

Dow "voluntarily" withdrew its opposition to the ban on 2,4,5,T, and EPA quietly canceled the herbicide's registration without having to ratify a "no safe level" position. (*There is no safe level.*) Dow could then continue to lie about the level at which TCDD is "safe" and sell 2,4,5,T to Third World countries—the Circle of Poison.

1980. Monsanto released the first of three studies of workers exposed to dioxin at its 2,4,5,T factory in West Virginia. The studies found that the workers suffered no dioxin-related effects except for chloracne—the disease which Dow admitted publicly was possible, but which they admitted privately meant the whole body was affected: systemic poisoning. The Monsanto research laid the foundation for claims that humans were somehow immune to the toxicity of dioxin. They were touted as the most comprehensive

studies to date concerning dioxin's human health effects. Vietnam veterans were not to be compensated. And the media loved it. Soon it became accepted wisdom; dioxin has never caused a single death.

1981. Under the corrupting eye of Reagan appointee Anne Gorsuch Burford, EPA, with now "resigned" John Todhunter and John Hernandez, forced Region 5 (in Chicago) to delete all references to Dow as well as any discussion of health risks posed by eating Great Lakes fish in a major report written by Milt Clark. Also deleted were all mentions of other studies pointing to dioxin's toxicity, including miscarriages in Oregon. The report was written to identify the source of Great Lakes continued pollution. The first draft concluded that dioxin in the Great Lakes constituted a grave cancer threat to persons eating fish from the lakes. The report named Dow as the primary dioxin source and recommended that consumption of fish caught in the region of Dow's Michigan plant "be prohibited." The edited version alone went public—after Dow edited it.

1983. "EPA CALLS DIOXIN MOST POTENT MATERIAL." So goes the 1983 headline in the *St. Louis Post Dispatch*. The story continues with the fact that EPA scientists have concluded that dioxin, found in the air, water and soil, is the most potent substance they have ever studied. It presents an unacceptable cancer risk when found in water in parts per quadrillion. The story disappeared after two days.

1990. It turns out that the three Monsanto studies were cooked, manipulated. Who found this out? Cate Jenkins, Ph.D., EPA chemist who analyzed data made available through discovery at an exposure liability trial in Missouri. Both the cancer victims and the controls were mixed together in the Monsanto studies, diluting the conclusions. Also, Monsanto had knowingly omitted five deaths from the exposed study group. Jenkins stated that Monsanto "deliberately and knowingly" used false data in their study." Under extensive cross examination during the trial, Dr. George Roush, Medical Director of Monsanto, actually admitted that the conclusions of the three studies were "incorrect."

Jenkins brought her analysis to the attention of the National Enforcement Investigations Center of EPA's Office of Criminal Investigations and demanded that the agency investigate. She took great pains to identify the impact of these falsified human studies

on EPA dioxin regulations and carefully explained just where the studies were faked. Big mistake. Instead of thanks, in April 1992 the EPA removed Jenkins from her job and transferred her to an isolated position which prevented her from having any contact with the public or industry. EPA also informed her that as a result of the transfer, she would no longer be permitted to write new hazardous waste regulations. She was on payroll to do nothing.

1986. Comes the PR about dioxin. "It's not as toxic as we once thought." These conclusions were developed by EPA's controversial "Dioxin Update Committee," basically leading the public into a false state of complacency. The dioxin committee was put together by Pesticides and Toxics Office Chief Jack Moore—a prominent player in keeping the truth about dioxin from the public. As far as I know, Moore now co-heads the chlorine industry-backed panel to investigate the soundness of the "source" of numbers and methodology EPA used to compute its estimates for dioxin.

Back then EPA administrator Lee Thomas had requested that the agency staff develop a consensus on the issue in light of new studies suggesting lower risks to public health than shown in a number of earlier studies. Considering the mounting evidence of dioxin's toxicity, the only question is, "What new studies?"

The panel came under serious criticism because of a perceived industry bias and the closed door nature of the review. Despite the fact that the National Cancer Institute had published a major study that year about dioxin's ability to compromise the immune system, and despite additional internal data in EPA files about the compromised immune system, the panel said, the jury is still out.

It was pointed out that no known environmentalists were appointed to the review, and Moore's findings circulated throughout the agency.

1986 to present: A deliberate, orchestrated effort, sanctioned by the Reagan/Bush White House and led by the Center for Disease Control and Vernon Houk to suggest that there is little in dioxin to worry about. Before he died of cancer, Houk was seen running around the country lying. The EPA was silent, even though by 1992, its first draft of dioxin reassessment was published, showing on a preliminary level, just what the final 1994 draft concludes.

The EPA, now under public scrutiny, is forced to admit publicly *what the agency has known all along*. Taking orders from each consecutive White House, the EPA was forced, over the years, to ignore the growing body of incriminating scientific data because dioxin is more than a chemical; it's always been a political hot potato.

Finally, however, in 1994, EPA scientist had some "answers." And the spotlight is on them. Thirty years of pain, catalogued through personal testimony and hundreds of independent studies (there's a whole bibliography here) have been verified by the "official" science.

Because so many within the regulatory agency who were connected to dioxin held to such a corrupt set of priorities, had broken their own laws, really, what this country has now—some 30 years after the Vietnam War—is unregulated dioxin contamination. The silence and cover-ups led to a nation at risk. The EPA is the problem because of its tight connection to polluting industries. The only important question now is, "Will the agency start dealing with the industrial uses of chlorine, and, if so, how long will it take?"

I have no illusions about EPA anymore. The Chlorine Chemical Council is gearing up for a fight; industry has allocated millions of dollars to protect its plastics and other dioxin-contaminated products, and, thanks to industry-hired public relations guns, the public will be very confused. Industry will quibble with the 1994 reassessment—with the science, with the methodology—and succeed in gaining delays. That's part of industry strategy.

As a citizen, I fear the Industrial Protection Agency will continue to bow to the wishes of industry and the nation and its children will suffer profoundly. No wonder citizens are turned off by government. Government has failed us. We live in fear.

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