Behind Closed Doors

A Report by the Stop Dioxin Exposure Campaign

2001

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BEHIND CLOSED DOORS
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PREFACE

Behind Closed Doors is the latest eye-opening and groundbreaking report from the Stop Dioxin Exposure Campaign. The campaign is a network of hundreds of environmental justice groups, religious leaders, health care professionals, scientists and health impacted groups, representing thousands of people across the country. The campaign is coordinated by the Center for Health, Environment and Justice, in Falls Church, Virginia.

In 1991, grassroots activists from across the country fighting dioxin-polluting facilities came together in Chapel Hill, North Carolina to attend the 1st Citizen's Dioxin Conference. The gathering was aimed at providing community groups the opportunity to hear leading scientists from around the world report on their research on the health effects of dioxin. The 2nd Citizen's Dioxin Conference, held in 1994 near Times Beach, Missouri – a town evacuated in the early 1980s because of dioxin contamination – brought together community groups working to shut down or block dioxin polluting facilities such as incinerators, pulp and paper mills, and PVC manufacturing facilities. Strategies to end dioxin exposure were discussed as part of this meeting. A year later, at a roundtable meeting in Arlington, Virginia, community leaders came together to plan a nationwide grassroots campaign to stop dioxin exposure. A key element of this campaign was to pressure the United States Environmental Protection Agency to finalize and release the reassessment of the health effects of dioxin that the agency had begun in 1991.

The Stop Dioxin Exposure Campaign was officially kicked off in 1995 with the release of *Dying from Dioxin: A Citizen's Guide to Reclaiming Our Health and Rebuilding Democracy*. The first of half *Dying from Dioxin* describes how dioxin is destroying the health of the American people and is based largely on the EPA's 1994 draft reassessment document on dioxin. The second half is devoted to organizing a campaign to reclaim our health by eliminating dioxin exposure. The ultimate goal of the campaign is to achieve a sustainable society in which there is no dioxin in our food or breast milk because there is no dioxin formation, discharge, or exposure. To achieve this goal, the campaign is committed to:

1. Halting all incineration, including medical waste incinerators; municipal waste incinerators; hazardous waste incinerators; military waste incinerators; sewage sludge incinerators; and hazardous waste

burning in cement and aggregate kilns, boilers, and industrial furnaces;

2. Exposing and challenging dioxin assaults on low-income communities and communities of color;
3. Phasing out industrial uses of chlorine, including its use in pulp and paper manufacturing and in PVC plastics, and include provisions for affected workers;
4. Identifying more clearly the various sources of dioxin;
5. Determining the levels of dioxin in food and breast milk so that the progress of the campaign can be measured;
6. Promoting safe, alternative jobs, products and technologies.

These goals were adopted at the 3rd Citizen's Dioxin Conference in 1996 in Baton Rogue, Louisiana and reaffirmed at the 4th Dioxin Conference in August, 2000 in Berkeley, California.

In November of 1999, the campaign released *America's Choice: Children's Health or Corporate Profits*. This peer-reviewed report summarizes new scientific research on the toxic effects caused by or associated with dioxin exposure. The report builds on the scientific data on health effects described in the EPA's 1994 draft dioxin reassessment and includes studies published since the draft's release. In addition, *America's Choice* outlines specific policy initiatives that state and local governments can take to eliminate dioxin. The report is intended to inform the public and their representatives in government so appropriate action can be taken to safeguard the health of the American people. Following the release of that report, public hearings were held in thirteen locations as a way of engaging elected officials in a dialogue for adopting policies that will protect the public's health.

Throughout the 1990s, community groups have been successful in shutting down and blocking hundreds of municipal and medical waste incinerators. Communities have also been successful in introducing local and state policy initiatives that protect the public from dioxin exposure. However, no matter how successful our efforts have been at a local and state level, we have been unable to move the federal government. The primary reason for this is the chemical industry's ability to block policies that would protect the public. This is why we are now releasing *Behind Closed Doors*. It is time for the American people to know how the chemical industry, like the tobacco industry, has been using its backdoor influence to preserve its profits at the expense of public health.

— Lois Marie Gibbs

EXECUTIVE SUMMARY

The chemical industry does not want you to read this report. *Behind Closed Doors* reveals evidence about how the chemical industry has methodically and strategically attempted to influence policy makers and conceal from and mislead the public about the health impacts of dioxin. Just as with the tobacco industry, the public is demanding that the chemical industry be brought to justice.

The primary players in this deception are the American Chemistry Council (ACC), formerly the Chemical Manufacturer's Association, and the Chlorine Chemistry Council (CCC). The American Chemistry Council is a trade organization representing hundreds of chemical companies. The Chlorine Chemistry Council, a division of the ACC, works on policy issues that affect the way its members conduct business.

Under the leadership of Fredrick Webber, president of the American Chemistry Council and C.T. "Kip" Howlett, executive director of the Chlorine Chemistry Council, the CEOs of dioxin-generating companies and the lawyers and public relations firms that represent them have launched an all-out campaign to hide from the public the link between dioxin and cancer and other serious health disorders. Public awareness of the danger dioxin poses to public health would significantly impact policies that regulate dioxin-generating companies.

At the center of the debate are two policy approaches: 1) dioxin elimination vs. dioxin control, and 2) precaution vs. risk management. For any dioxin policy to have a chance at meaningful impact, it must have at its core a commitment to eliminating dioxin. What is required are policies that prohibit the creation of dioxin in the first place, instead of the current practice of trying to control dioxin after it has been produced. The chemical industry prefers the latter since it allows them to conduct business with little or no change. There are safe alternative processes for disposing of wastes, making paper white, and producing plastics without chlorine that won't cause economic hardships.

The second policy debate involves the precautionary principle: "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically" (Wingspread, 1998).

BEHIND CLOSED DOORS

Growing evidence on the hazards of dioxin demands precautionary action to prevent further exposure, even though *absolute proof* of harm has not been established. We know enough to act. However, the chemical industry would rather place the burden on individuals to convince regulators that a facility is unsafe or to prove that their health disorders are linked to dioxin.

Every American has dioxin in their body. According to the EPA, about ninety percent of the American public's exposure results from ingestion of common foods, mostly dairy and meat products. Dairy cows and beef cattle absorb dioxin by eating contaminated feed crops. The crops become contaminated by airborne dioxins that settle onto soil, water, and plants. Dioxin then accumulates in the grazing animals that eat these crops. People ingest dioxin when they eat meat, dairy products, and eggs. Some exposure also results from eating dioxin-contaminated fish. Dioxin gets into our food supply from emissions from garbage, medical and hazardous waste incinerators, the bleaching of paper, and the manufacture and disposal of chlorinated plastics and pesticides. Dioxin can result in serious health problems including cancer, attention deficit disorder, learning disabilities, weakened immune system, infertility, birth defects, and endometriosis (CHEJ, 1999; USEPA, 2000).

Despite the alarming information about the dangers of dioxin, the Chlorine Chemistry Council has launched an attack to gut any report or policy that would eliminate dioxin or adopt a precautionary approach. One of the chemical industry's prime targets has been the U.S. EPA's dioxin reassessment, due out later this spring, which identifies the sources and describes the adverse health effects of dioxin exposure. The chemical industry does not want this report released for fear it will implicate them in a major public health crisis.

Behind Closed Doors documents the Chlorine Chemistry Council's egregious attempts to manipulate the Science Advisory Board (SAB). The SAB is a department within the EPA whose role is to provide scientific peer-review of agency documents. The SAB achieves this goal by forming committees of scientists representing a balance of viewpoints and backgrounds. However, in the case of the dioxin reassessment document, industry-backed scientists have dominated the SAB review committees. In fact, research on the November, 2000 dioxin committee showed that a third of the committee members received funding from 91 dioxin-generating companies.

This report takes a look at other instances where the chemical industry has employed a variety of stall tactics to keep the report from being finalized and released. In the chemical industry's view, as long as the EPA's dioxin reassessment is in draft form, decision-makers cannot develop or enforce

policies based on the scientific data contained in the report. These stall tactics include efforts to push through last-minute Congressional riders to appropriations bills and filing lawsuits based on procedural grounds.

Behind Closed Doors also looks at attacks launched on policy initiatives that aim to ultimately eliminate dioxin. From opposing local resolutions introduced by community groups to attempting to influence the language of an international treaty on persistent organic pollutants (POPs), the Chlorine Chemistry Council and the American Chemistry Council have used a heavy hand to influence decision-makers. Regardless of the industry's tactics, community groups working on local and state policy initiatives and non governmental organizations working on international treaties have remained credible and successful.

The chemical industry has also launched an aggressive campaign to get candidates elected who will go easy on emission limits and regulation enforcement. The question is what can we expect from the Bush/Cheney administration? When Bush ran for president, Fredrick Webber of the American Chemistry Council became one of his "pioneers," a group of business leaders committed to raising over $100,000 for his campaign. According to Newsweek, the ACC raised over $350,000 for Bush's campaign, generosity directly related to Bush's track record of doing the industry's bidding. Similarly, Webber himself and the chemical industry as a whole have strongly endorsed the new EPA Administrator Christine Whitman for her willingness to give industry a seat at the table when developing policy.

As the examples in this report show, the chemical industry has access to government officials and influence on the policy making process that is not available to the rest of the public. When industry is able to set the terms of debate, impose its priorities, and manipulate the regulatory process, it is a threat both to public health and to democracy.

Many believe that the tactics used by the Chlorine Chemistry Council and the American Chemistry Council have been irresponsible. In the same way that communities called the tobacco industry to account during the 1990s, communities are now insisting that the chemical industry admit they have misled the public about the health effects of dioxin. Communities fighting to eliminate dioxin exposure are demanding to know what is going on behind closed doors.

SECTION 1

Chemical Industry Initiatives to Discredit and Stall the Release of the EPA's Dioxin Reassessment

The U.S. Environmental Protection Agency (EPA) completed its first health assessment of dioxin in 1985. The EPA's estimate in this report of the cancer risk to humans from dioxin exposure was by far the highest defined for any chemical by any government agency anywhere in the world. Because this report provided the scientific basis for all risk assessments used by EPA programs to regulate dioxin emissions and discharges to the environment, the regulated industries immediately protested that this risk estimate was too high.

The paper and chlorine industries in particular pressured the agency to reconsider this risk estimate. The focus of their argument was on the method used by the agency to estimate the cancer risk. These industries argued that there was a "threshold" of exposure to dioxin, below which there was no risk, and that dioxin was much less dangerous than defined by the EPA. The EPA argued that there was no threshold and that its risk estimate was supported by scientific evidence.

As part of its efforts to convince the EPA of its position, the Chlorine Institute (later to become the Chlorine Chemistry Council) in 1990 convened a scientific conference on dioxin. Shortly afterwards, in 1991, EPA Administrator William Reilly announced that the agency would undertake a reassessment of the health effects of dioxin based on findings from this conference. The industries felt confident that the agency would now find that there was a level of exposure to dioxin that does not pose any risks, forcing the agency to recalculate its cancer-risk estimate.

Instead, scientists found new evidence that there was no threshold for some of dioxin's effects and that dioxin acted like a hormone, disrupting many systems in the body. These and related findings supported the agency's original risk estimates and provided the scientific basis for the EPA's draft reassessment report, which was released in 1994. In this report, the EPA again concluded that dioxin poses a serious cancer risk and that the average American had a level of dioxin in their body that could cause adverse health effects (USEPA, 1994).

This draft prompted dioxin-generating companies to launch an aggressive campaign to stall the release of the report. This attack began with a peer review report led by industry scientists who rejected several chapters in the draft document, forcing the agency to rewrite them and delaying the process of finalizing the report (SAB, 1995). While this draft report was being rewritten, local and state agencies hesitated to take action on dioxin exposure situations, claiming that there was no clear guidance on the risks dioxin posed. This led to a six-year delay during which people continued to be exposed to dioxin while government reevaluated its risk estimates and corporations operated as usual.

Finally, in June, 2000, the EPA released a revision of the 1994 reassessment report. Much to the chemical industry's dismay, the EPA found even stronger links between exposure to dioxin and adverse impacts on human health. One of the EPA's key findings was that the risk of getting cancer from dioxin exposure was ten times higher than reported in 1994 (USEPA, 2000).

The strengthening of this link between dioxin exposure and cancer threatens the chemical industry's way of doing business. Since June, the industry has intensified its efforts still further to challenge and discredit the scientific findings in the report and to further stall its release. One of its primary goals is to block policies that are aimed at eliminating dioxin and dioxin sources.

Yet, while the chemical industry has repeatedly challenged the EPA's conclusions, it has failed to raise doubts about the science behind the agency's conclusions. The EPA has carefully laid out its arguments and supported them with credible scientific evidence.

Conflict of Interest: How the Chemical Industry Stacks Scientific Peer Review Panels

The EPA's Science Advisory Board (SAB) dioxin review subcommittee met November 1 and 2, 2000, to review the EPA's dioxin reassessment. This meeting was one of the last steps in the review process before the EPA was to release the final document. Members of the SAB are presumed to be neutral scientific experts whose role is to review documents solely on their scientific merits. The committee's charge is to judge the validity of the conclusions drawn – not address their implications for policy.

Since the SAB contributes to the decision-making process of the agency by evaluating the technical basis for the EPA's rules and regulations, SAB members and consultants are subject to U.S. government Conflict of Interest (COI) regulations. These statutes and regulations are "aimed at preventing individuals from (knowingly or unknowingly) bringing inappropriate influence to bear on Agency decisions which might affect the financial interests of those individuals, their family members and/or the organizations which employ them" (SAB, 1996).

According to the SAB Guidelines for Public Disclosure, SAB members and consultants are required to reveal:

1. Research conducted on the matter;
2. Previous pronouncements made on the matter;
3. Interests of the employer in the matter;
4. Any other financial interests they might have in the matter (e.g., investments that might be directly affected by the matter);
5. Other links (e.g., research grants from parties – including the EPA – that would be affected by the matter).

The Chemical Industry Acts

At the SAB meeting on November 1 and 2 in Washington, DC, none of the panel members' disclosure statements included the above information – despite the fact that members of this panel were strongly tied to dioxin-generating companies. Research on the SAB subcommittee prior to the meeting showed that a third of the committee members – Stephen Brown, Kenny Crump, John Graham, William Greenlee, Genevieve Matanoski, and Dennis Paustenbach – had received funding from ninety-one dioxin-polluting corporations (CHEJ, 2000).

For example, panel member Dennis Paustenbach is the vice president of Exponent, an engineering and scientific consulting firm. Exponent prepared comments on the latest draft of the dioxin reassessment on behalf of Chemical Land Holdings, Inc. and Occidental Chemical Corporation. The document essentially repeats the chemical industry's arguments on the link between dioxin and cancer and other adverse health effects. These comments were sent to the subcommittee well in advance of the November review meeting (CLH, 2000, 2000a). However, when reading his conflict of interest statement, Paustenbach failed to mention Exponent's actions.

Another panel member, John Graham, Director of the Harvard Center for Risk Analysis, has a long history of working for the chemical industry. Graham, who is not a scientist, but an economist concerned with cost-benefit analysis, was interviewed on National Public Radio when the EPA released its latest draft reassessment in June, 2000. When asked about the EPA's characterization that dioxin causes cancer in 1 in 100 people, Graham trivialized the matter by saying that the chances of getting cancer from dioxin and getting killed in a car crash were both 1 in 100, which put dioxin "on par with other common risks" (NPR, 2000). During the SAB meeting, Graham again attempted to trivialize the seriousness of exposure to dioxin by stating that although dioxin does cause cancer in animals, it is also a "likely aniticarcinogen," i.e., there may be some positive effects from dioxin exposure. Because of the adverse noncancerous health effects observed in people exposed to dioxin, several panel members had difficulty accepting that Graham was serious in raising this issue. One panel member with expertise in developmental effects in children was incredulous at the suggestion that anyone, even the most fanatic proponent of this issue, would give dioxin to children to reduce their chances of getting cancer. From a scientific point of view, this effect was seen only in a single animal study that is more than twenty years old and has not been repeated in other large studies of animals, raising question about the verifiability of this effect. Graham's record shows that he has been an outspoken opponent of the link between dioxin and cancer and that the arguments he uses are similar to those that dioxin-producing companies have used throughout the dioxin reassessment process.

(John Graham is currently the leading candidate to head EPA's Office of Information and Regulatory Affairs. Housed at the Office of Management and Budget, this office has the power to gut any and all environmental regulations.)

Two of the committee members, Chairman Morton Lippmann, Professor at the New York University Medical Center and Genevieve Matanowski, Professor of Epidemiology at Johns Hopkins University were involved in a 1990 controversy over their failure to disclose ties to a tobacco industry-funded think tank while serving on an EPA panel reviewing the health effects of secondhand smoke (Weisskopf, 1990). As he did during a 1995 SAB dioxin review meeting, Lippmann publicly voiced his skepticism about the EPA's characterization of the cancer risks of dioxin. As chair at the November meeting, Lippmann had a special obligation not to allow his individual views to influence his actions on the committee. He not only failed to serve as an impartial chair but attempted to use his position to manipulate the process.

As the meeting drew to a close and it became clear that the SAB wasn't able to challenge the EPA's reassessment on its scientific merits, Lippmann initiated a conversation about policy issues that were not part of the agenda, and, more importantly, were clearly beyond the charge of the committee. Lippmann challenged the EPA's right to classify dioxin as a human carcinogen, claiming that "the committee" was uncomfortable telling the public the results because "he" simply did not believe the results of the risk assessment.

However, it quickly became clear that most committee members did not share his view. Although a number of panel members repeatedly brought up industry-generated arguments intended to discredit the report's scientific findings and stall the subcommittee's approval of the report, they were unsuccessful. Despite his views, Lippmann was compelled to announce that the process of releasing the report would move forward.

The Public Acts

Thirty-five community leaders from around the country attended the November dioxin review meeting. They held a silent protest in the hall outside the meeting room. Inside, as each member was asked to disclose conflicts of interest, community leaders held up lap-signs that listed the corporations with an interest in dioxin that the committee member had received funding from. These community leaders later presented testimony on the need to finish the dioxin reassessment and release the report. While these actions were within the parameters of accepted public participation, the chemical industry was clearly upset by them and determined to do something about it.

The EPA Responds

Following the meeting, several public participants wrote to Don Barnes, the Staff Director for the Science Advisory Board, expressing concerns regarding conflicts of interest (CHEJ, 2000a). Barnes met with these participants to discuss the issue further. Barnes gave both verbal and written assurances that the SAB would look into their concerns (SAB, 2000a). Because Barnes had not attended the November meeting, he wanted to wait until the transcript came out before he made any substantive comments. (The Science Advisory Board posted a transcript of the meeting on its web site in March, 2001, but this transcript did not include any discussion of the conflict of interest statements.)

Public Participation: The Chemical Industry's Attempt to Ram Through a Policy that Would Squash Freedom of Speech

The Chemical Industry Acts

On November 17, 2000, Kip Howlett, Executive Director of the Chlorine Chemistry Council (CCC) wrote a letter to Don Barnes expressing his disappointment at the way the SAB meeting was conducted and in the outcome. He stated that the SAB meeting was a "shockingly low point in the history of SAB peer review deliberations." He advocated that the SAB Executive Committee "conduct an immediate review of the process irregularities that occurred during the Nov. 1-2 meeting and institute procedural safeguards to ensure that future SAB meetings are conducted in an atmosphere free from intimidation." He also argued that "A new SAB subcommittee should be assembled to review the entire EPA dioxin reassessment, and sufficient time should be allotted so that a meaningful robust peer review can be conducted" (CCC, 2000).

This request for time to review the entire dioxin report is still another attempt to stall the release of the report. The long delay in completing the latest draft of the report is largely due to repeated efforts by this and other dioxin-producing companies to delay the release of the report. Having successfully stalled the release of the report, these companies are now arguing that too much time has passed and now the entire report needs to be reviewed again.

The EPA Responds

After speaking to panel members about whether they felt intimidated by the public participation at the meeting, Don Barnes sent a response to Howlett (SAB, 2000). In his letter, dated November 20th, Barnes stated:

> "To date, none of the Members have reported being 'intimidated' in the sense that it materially affected their deliberations. Several felt 'uncomfortable'; others reported no reaction at all; and still others observed that they had experienced considerably greater disruption and harassment at other public meetings in which they had participated.

> "At this stage of the inquiry, I conclude that the unusual (for SAB meetings), problematic behavior of some members of the audience was more contained and civil than it was disruptive and raucous, and that it did not materially affect the operations of this particular SAB review any more than public participation might affect other SAB reviews."

The Chemical Industry Responds

This response was not good enough for Kip Howlett. He demanded action and arranged a meeting with Don Barnes to further discuss the issue of public participation. The Chlorine Chemistry Council (CCC) made specific recommendations for limiting public participation and advocated having uniformed officers present to enforce the new policies. The CCC also recommended holding meetings in federal buildings as a way of controlling the public outside of and inside the meeting.

The EPA Responds

According to Don Barnes, the meeting with Howlett was "very productive." Based on this single meeting with an industry lobby group, the SAB staff developed a draft policy for controlling “audience behaviors,” shown in the table on the next page. This proposed policy was offered for adoption at the next meeting of the Executive Committee of the SAB without input from all interested parties, a potential violation of the Federal Advisory Committee Act.

The Public Responds

Outraged, members of the Stop Dioxin Exposure Campaign sent a letter to William Glaze, chairman of the SAB Executive Committee, about the proposed policy, raising legal and freedom of speech issues and urging him not to go forward with a knee-jerk policy put together to placate the CCC (Collier et. al., 2001). They have also asked for a meeting with Chairman Glaze, which has not yet been granted.

PROPOSED SAB POLICY
SPECTRUM OF AUDIENCE BEHAVIORS AND APPROPRIATE RESPONSES

Distraction	Disturbance	Disruption
Modest display of signage	Abundance of active display of signage, particularly if directed at specific persons	Principal 1: Conscious action that is intended to or has the effect of limiting those authorized by the Chair to speak, be they Panel members or public commenter; e.g., noisy demonstrations or refusal to relinquish the microphone.
Modest amount of photography; e.g., a few flash shots	Excess amount of photography; e.g., continual flash shots during deliberations, "in-your-face" shots, etc.	Principal 2: Any action that threatens the physical well-being of Panelists, the public, or the facilities.
Modest active "street theater" outside of the immediate time and place of deliberations	Active "street theater" at the time and [p]lace of deliberations	
Passive "street theater" during the deliberations; e.g., signs on the wall, audience members in costumes, etc.		
APPROPRIATE ACTION	**APPROPRIATE ACTION**	**APPROPRIATE ACTION**
l.Nothing, just endure/enjoy it **OR** 2. Brief statement about "keeping in bounds".	1. Admonishment by the DFO, appealing to a sense of fair play. **OR** 2. Temporarily suspend proceedings and discuss the matter.	1. Appeal to authorities to quell the action **OR** 2. Declare the meeting adjourned—possibly reconvene in a more controlled conf call setting.

(Source: SAB, 2001)

The SAB Executive Committee discussed this proposed policy during their meeting February 5 and 6, 2001, in Washington DC. Several of the committee members challenged the policy on both legal and freedom of speech grounds. While the committee agreed not to formally adopt a new policy at this time, it has since decided to use the proposed policy as guidance for future meetings, including the upcoming SAB Executive Committee meeting scheduled for April 11 to review the SAB subcommittee's report on the dioxin reassessment.

Bait and Switch: Science Advisory Board Report on November Meeting

On March 12, 2001, the SAB released a draft of their report on the November, 2000 public meeting (SAB, 2001). This report is a flagrant example of the influence that dioxin-producing companies have had on the release of the final dioxin report. This draft report reflects neither the basic conclusions nor the tenor of the November meeting. There are several example of issues that had been resolved and of positions agreed upon in November that have been altered in the draft report to reflect the position of the dioxin-generating companies. The most egregious example is that the SAB draft document concludes that now the majority of the SAB panel do not agree that dioxin is a human carcinogen – a position in conflict with that in the November meeting. It also concludes that the EPA should avoid calculating a cancer risk value – a violation of EPA policy for conducting risk assessment; in November, a majority of panel members at the meeting had supported doing the cancer-risk assessment. Moreover, the executive summary, along with a cover memo to Administrator Whitman, is heavily biased and does not fairly represent what is in the body of the report. The arguments in the executive summary are those that the dioxin-generating companies have made repeatedly since the release of the first draft reassessment document in 1994. Since this draft report has just been released, there has been no public response to it yet.

Lawsuits: A Way to Conceal Information from the Public

In the past year, two lawsuits aimed at stopping important public health documents from reaching the public were filed. The same man – James Tozzi – representing two different entities, Multinational Business Services, Inc. (MBS) and the Center for Regulatory Effectiveness (CRE), filed both of these lawsuits. Both suits were aimed at influencing the scientific support for the agency's conclusions that dioxin is likely to be a human carcinogen and at stalling the report's release to the public.

James Tozzi has a long history of working to prevent public health measures that would have an economic impact on big business. During the Reagan administration, Tozzi served in the Office of Management and Budget, where he successfully spearheaded a campaign to "gut environmental regulations" (Rampton and Stauber, 2001). According to the Center for Media and

Democracy, Phillip Morris described Multinational Business Services, Inc. as its "primary contact on the EPA/ETS risk assessment" on secondhand cigarette smoke in the early 1990s (Rampton and Stauber, 2001).

The Chemical Industry's Acts

On January 17, 2000, Tozzi filed suit against the U.S. Department of Health and Human Services (HHS), the National Institute of Environmental Health Sciences (NIEHS), and the National Toxicology Program (NTP) to prevent the NTP from placing dioxin in the "known to be a human carcinogen" category in its *Ninth Report on Carcinogens*. Multinational Business Services, Inc. argued that if dioxin were listed as a known carcinogen it would create a food scare similar to the one that occurred over dioxin-tainted beef in Belgium in 1999. Tozzi filed the suit in the U.S. District Court on behalf of a restaurant association, a Washington DC restaurant, a medical device manufacturer, and a law firm.

The Public Responds

A coalition of public health groups approached the owner of BeDuCi's, a Washington, DC restaurant, who was listed as one of the plaintiffs in this lawsuit. The group asked the owner what he knew about dioxin and why he had joined the lawsuit. The owner, it turned out, had no knowledge of dioxin, didn't know he was part of the lawsuit, and had never authorized anyone to sue the U.S. government on his behalf. He signed a statement affirming this and had his name removed from the suit (Garrat, 2000).

Government Responds

On September 30, 2000, the U.S. Court of Appeals for the District of Columbia Circuit dismissed Tozzi's request for an injunction, and on January 19, 2001 the National Toxicology Program announced the publication of an addendum to the Ninth Report of Carcinogens adding dioxin to the "known carcinogen" category. The NIEHS press release stated that "The National Toxicology Program's listing of TCDD [dioxin] in the 'known' category is based on sufficient evidence of carcinogenicity from studies in humans, involving a combination of epidemiological and mechanistic information which indicates a causal relationship between exposure to TCDD and human cancer" (NIEHS, 2001).

Tozzi is appealing the Court of Appeal's decision.

The Chemical Industry Acts

On October 27, 2000, James Tozzi filed another lawsuit, this time as an Advisory Board Member of the Center for Regulatory Effectiveness (CRE). This suit was filed against the U.S. EPA challenging the guidelines they used to classify dioxin as a "known human carcinogen" in the latest draft of the dioxin reassessment. Plaintiffs include the plastic medical device manufacturer named in the NTP lawsuit and a pesticide manufacturer. This suit, currently before the United States District Court for the District of Columbia, is similar to the one filed by Tozzi challenging the National Toxicology Program's reclassification of dioxin.

The EPA Responds

The EPA has moved to dismiss the suit on the grounds that its risk assessment for dioxin is scientifically sound. This dismissal is currently under consideration by the district court.

Stall Tactics: Delay is the Name of the Game

These recent attempts by the chemical industry to discourage government regulation of dioxin follow years of efforts by the industry to discredit those working to protect the environment and public health from dioxin's deadly impact.

The Chemical Industry Acts

In October, 2000, the chemical industry and associations representing cattle ranchers and farmers put pressure on legislators to introduce a rider to a Senate appropriations bill as means of stalling the release of the EPA's dioxin reassessment. The rider states:

> "None of the funds appropriated by this or any other act may be used by the Environmental Protection Agency (EPA) to finalize its "Exposure and Human Health Reassessment of 2,3,7,8 - Tetrachlorodibenzo-p-Dioxin (TCDD) and Related Compound" (the Dioxin Reassessment) until EPA's Science Advisory Board completes its review of the entire June 2000 draft Dioxin Reassessment, including subsequent revision; and the National Academy of Sciences completes its review of dioxin related science under the parameters agreed upon with the Department of Agriculture" (USPIRG, 2000).

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The Public Responds

The environmental community helped defeat the rider.

The Chemical Industry Acts

On October 23, 2000 Kip Howlett of the Chlorine Chemistry Council wrote Don Barnes challenging the SAB's ability to adequately review and provide guidance on the EPA's current draft reassessment. He also voiced concerns that the July, 2000 peer review meeting was "hastily assembled" and that public comment was "limited." Among his recommendations were that 1) the entire 2,000-plus page reassessment be subject to public comment and SAB review; and 2) the EPA should "provide opportunities to engage in dialogue with interested parties" (CCC, 2000a).

The Chlorine Chemistry Council knows full well that a review of the entire draft dioxin reassessment would mean the peer review would need to start all over again and be extended at least another year, if not much longer.

SECTION 2

Chemical Industry Efforts to Block Local Initiatives on Dioxin

In the absence of the EPA's final dioxin reassessment, a number of communities have begun working with state and local officials to enact public health policies on dioxin. In the San Francisco Bay Area, for example, a broad-based coalition of community groups began efforts in 1998 to get dioxin and public health resolutions passed in the cities and counties in their region.

The Chemical Industry Acts

Recognizing that these efforts would set a precedent for the rest of the country, the Chlorine Chemistry Council, the American Chemistry Council, and the Vinyl Institute launched an effort to block these resolutions.

In a letter dated December 28, 1998, Jim Tozzi, President of Multinational Business Services, Inc., attempted to discredit efforts by community groups to pass resolutions on dioxin, public health, and the environment in San Francisco and Oakland. In his letter to the San Francisco Board of Supervisors, he recommended that the board wait until the EPA had released its final dioxin reassessment before it adopted any resolutions, stating that only then would it have the peer-reviewed scientific data needed to begin setting policies. He then outlined all the industry's arguments about the lack of strong scientific evidence linking dioxin to cancer and other health effects (MBS, 1998).

The Public Responds

Members of the community sent a response to the San Francisco Board of Supervisors refuting Tozzi's claims (Commonweal, 1999). They continued to supply the board with credible scientific data outlining the dangers of dioxin. In addition, they launched a public education campaign and provided opportunities for residents to express their support for the resolutions.

Government Responds

The counties of San Francisco and Marin and the cities of Oakland, Berkeley, San Francisco, and Palo Alto all have passed resolutions calling for the phase-out of dioxin sources in the Bay Area. The resolutions in San Francisco and Oakland were passed unanimously.

SECTION 3

Chemical Industry Influence during the UN Treaty Negotiations on Persistent Organic Pollutants (POPs)

The chemical industry sought to influence the negotiations of the United Nations Treaty on Persistent Organic Pollutants (POPs). The treaty initially addresses twelve POPs, including dioxin, chosen because they have been well-studied and linked to cancer, birth defects, and other developmental abnormalities in humans and animals. Negotiations on the treaty began in 1998 under the sponsorship of the U.N. Environment Programme and concluded last December at the fifth negotiating session in Johannesburg.

Throughout the two and half years of discussions on the treaty, the Chlorine Chemistry Council (CCC), the American Chemistry Council (ACC), the European Chemical Industry Council (CEFIC), the International Council of Chemical Associations (ICCA), and the Alliance for the Responsible Use of Chlorine Chemistry (ARCC) put intense pressure on key delegations, including those of the United States, the European Union, Canada, and Australia. Based on the chemical industry's position papers and correspondence with the delegations, it is clear that the chemical industry sought to 1) prevent a treaty with the explicit goal of eliminating dioxin; and 2) ensure that the treaty endorsed a risk-based approach to controlling POPs, which places on the public and government the burden of proving that chemicals are a threat to health, rather than a precautionary approach, which puts the burden on industry to prove that chemicals are safe.

The Chlorine Chemistry Council Takes the U.S. Delegation Hostage

The Chlorine and Chemical Industries Act

The Chlorine Chemistry Council and the Chemical Manufacturer's Association sent a position paper to the U.S. delegation on August 20, 1999 just before the third negotiating session. In their paper, they argued that "references to the 'Precautionary Principle' will not serve any productive purpose….the precautionary principle is subject to various interpretations, and may be used to justify politically motivated and discriminatory decisions that are not premised on sound scientific risk assessment." On the issue of

dioxin elimination they wrote that "parties should be encouraged to develop national action plans aimed at reducing the significant risks posed by POPs in a manner appropriate to each party's capacity and level of economic development" (CMA/CCC 1999).

The U.S. Delegation Responds

The U.S. delegation adopted much of the language and approach included in the CMA/CCC letter. The industry influence on the U.S. delegation was so strong that the U.S. delegation wrote a letter in January, 2000 asking the European Union (EU) delegation to reconsider its strong support for precautionary language and dioxin elimination in order to come in line with the U.S. approach and to avoid the potential collapse of the negotiations (USDoS, 2000).

The Chemical Industry Seeks to Eliminate Elimination

The Chemical Industry Acts

In a letter dated February 10, 2000, to the State Department's Brooks Yeager, head of the U.S. delegation, the Alliance for the Responsible Use of Chlorine Chemistry wrote, "We understand that some environmental groups are exerting strong pressure on the Department of State to disregard the risk management consensus, and instead support treaty language calling for 'total elimination' of by-product POPs. We believe that this radical changeover would be totally unjustified and against U.S. national interest" (ARCC, 2000).

In another letter to the U.S. delegation, dated September 22, 2000, the Alliance for the Responsible Use of Chlorine Chemistry states that the POPs Treaty "contains unrealistic language calling for an aspirational goal of elimination of by-product POPs" (ARCC, 2000a).

In an August 31, 2000, briefing paper to a number of delegations prior to the final negotiating session, the International Council of Chemical Associations (ICCA) argued that "For the Convention to be practical, it is essential that it not include ambiguous and aspirational goals concerning 'elimination' particularly with regard to production by-products." The paper went on to state that "Incidental, unwanted byproduct contaminants, such as dioxins and furans, should not be included under the obligations…to manage stockpiles and wastes. This could make these provisions so broad and undefined that they would be meaningless, impractical and unworkable" (ICCA, 2000).

BEHIND CLOSED DOORS

The Public Responds

The International POPs Elimination Network (IPEN) organized Nongovernmental Organizations (NGOs) from around the world to pressure key delegations on the issue of precaution and by-product (dioxin) elimination. Stop POPs, a U.S. subgroup of IPEN, launched a public education campaign primarily targeting people in the Great Lakes, Alaska and California. Their efforts also included getting communities to send letters to members of Congress.

Congress Responds

Representative Sharrod Brown, from Ohio, sent a letter signed by thirty-six members of Congress from the Great Lakes region to Secretary of State Madeleine Albright laying out Congressional concerns over weak language in the treaty on precaution and the elimination of industrial by-product POPs. Brown wrote, "At prior negotiating sessions, most governments have supported treaty language that would mandate a world-wide phase out of twelve POPs, including PCBs, DDT, and dioxin and ultimately lead to their elimination. The U.S. delegation has not yet embraced a number of these provisions" (Brown, 2000).

The American Chemistry Council got wind that this letter was in the works and on October 5, 2000 sent Brown a letter hoping to influence him (ACC, 2000). Fortunately, it didn't work.

The Public Wins

At the final session in Johannesburg, one hundred and twenty-two countries agreed on a treaty that, if ratified, would represent a significant victory for public health. The treaty calls for action to minimize the release of dioxins, "with the goal of their continuing minimization and, where feasible, ultimate elimination." The treaty explicitly endorses the precautionary principle, and it establishes a POPs Review Committee to identify additional POPs based on a precautionary approach to protecting public health.

SECTION 4

The Chemical Industry and Electoral Politics

In the early 1990s, the chemical industry started getting more involved in electoral politics as a way of ensuring that it would have the ear of decision-makers when regulations were being developed and enforced. This past presidential election was no different. The American Chemistry Council took a lead role in helping to raise money for George Bush. In August, 1999, the *Washington Post* reported that "The chemical industry, which has worked closely with the governor in Texas and likes his hands-off style of regulation, is one of the most passionately pro-Bush industries, 'The industry has openly said we are going to support Bush and is committing to raise a huge sum of money for him'" (Glasser and Mintz, 1999).

Frederick Webber, president of the American Chemistry Council, was one of Bush's "Pioneers," a group of distinguished business leaders that pledged to raise at least $100,000 for Bush's Presidential campaign. In fact, Webber has been listed as one of Bush's top fundraisers, raising about $350,000 for Bush's war chest. According to *Newsweek*, "Webber concedes that this generosity is directly related to Bush's willingness to listen to the industry's views. 'We feel comfortable with Bush'" (Isikoff, 2000).

Webber has also been out front in his support for EPA Administrator Christine Todd Whitman. "Gov. Whitman's stewardship of the environment in New Jersey and her record of working together with people of diverse points of view have yielded impressive results," says Webber. "Her common sense, centrist approach to economic development and environmental protection represents a balance that is much needed at the national level." (Hess, 2001) Although his fundraising efforts haven't been as extensive for Whitman, Webber and the American Chemistry Council have raised money for Whitman's past campaigns.

Webber has strong ties to Washington. Webber is the co-chair of the Air Quality Standards Coalition, an alliance of industry groups that, among other things, has waged war against the EPA over air quality standards (Franz, 2000). Webber also has a history with the Bush family. He worked on George Bush Sr.'s first presidential bid in 1980 (Toloken, 2000). From what we have seen so far from this Bush administration, George W. is stacking his advisory teams with folks who played key roles during his father's time in office. It seems likely that given his history and fundraising capabilities, that Webber will be given a seat at the

table. Interestingly enough, Webber and the ACC paid for the Black Tie and Boots Inaugural Ball which received the most attention and media hype of all the inaugural events.

ARLINGTON, VA (January 19, 2001) – Proud to be a fundamental part of Texas' economic base and prosperity, chemistry companies celebrate Texas, and salute Texas and the Texas State Society as they sponsor the Black Tie & Boots Inaugural Ball in honor of President elect, George W. Bush.

Chemistry business is thriving in Texas. Texas is the nation's largest producer and exporter of chemistry products. Among Texas' manufacturing sectors, the chemistry industry is among the top three Texas exporters ($13.2 billion in 1999) and is the largest component in terms of economic value.

Texas is home to nearly 85,000 chemistry employees, and the business of chemistry in Texas generates an additional 872,000 jobs in Texas. Among Texas' manufacturing sectors, the chemistry industry is second highest in total wages paid, and is 35 percent higher in hourly wages than the manufacturing average.

The Texas State Society traditionally sponsors a vehicle at the Black Tie & Boots Inaugural Ball. This year, in recognition of Texas' contribution to industry, Ashland, Inc., Bayer Corporation, Celanese, The Dow Chemical Company, Dupont, Eastman Chemical Company, Exxon Mobil Chemical Company, FMC Corporation, Lyondell Chemical Company, Occidental Chemical Corporation and the American Chemistry Council are gladly sponsoring a drawing for a 2001 Chevrolet Suburban. 15% of the material inputs of an automobile are made from the products of chemistry.

Press Release from the American Chemistry Council January 19, 2001

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APPENDIX A

Dioxin Time Line

1985 – U.S. Environmental Protection Agency releases first dioxin health assessment.

1990 –Chlorine Institute and EPA convene scientific conference on dioxin.

1991 –EPA announces the agency will reassess the dioxin health assessment.

1994 – EPA releases the draft dioxin reassessment report.

1995 – Science Advisory Board (SAB) conducts first review of dioxin reassessment. In response to industry-influenced criticisms in SAB report, EPA rewrites several chapters of dioxin reassessment. All of exposure document and seven of nine chapters of health assessment approved by SAB.

1998-1999 – San Francisco, Oakland, and Berkeley pass resolutions to enact public health policies on dioxin.

December 28, 1998 – San Francisco Board of Supervisors receives letter from James Tozzi, Multinational Business Services, Inc. (MBS) arguing against resolutions.

1998 – 2000 Negotiations on POPs (Persistent Organic Pollutants) Treaty under sponsorship of U.N. Environment Program.

> **August 1999** – Chlorine Chemistry Council and Chemical Manufacturers Association send position paper to the U.S. delegation to POPs Treaty negotiations protesting inclusion of the "precautionary principle."
>
> **January 2000** – U.S. delegation gives in to industry position and urges the European Union delegation to follow.
>
> **February 2000** – Letter from the Alliance for the Responsible Use of Chlorine Chemistry to Brooks Yeager, State Department's representative on the U.S. delegation states that "total elimination" of dioxin is against U.S. national interest.

September 2000 – Letter from the Alliance for the Responsible Use of Chlorine to the U.S. delegation states the POPs Treaty contains unrealistic language on precaution and on eliminating dioxin.

August 2000 – Briefing paper from the International Council of Chemical Associations to a number of delegations prior to the final negotiating session states that elimination of by-products such as dioxin and furans would be "meaningless, impractical and unworkable."

October 2000 – Letter signed by 36 members of Congress from the Great Lakes region to the U.S. secretary of state, laying out concerns over the weak language in the treaty on precaution and on the elimination of industrial by-product POPs.

December 2000 – Strong language on precaution and on the "aim to eliminate" dioxin included in the treaty.

January 17, 2000 – James Tozzi, representing Multinational Business Services, Inc. (MBS) files lawsuit in U.S District Court against U.S. Dept. of Health and Human Services (HHS), National Institute of Environmental. Health Sciences (NIEHS), and National Toxicology Program (NTP) on behalf of restaurant owners in Washington, DC challenging NTP's classification of dioxin as a known human carcinogen.

June 2000 – EPA releases a scientifically stronger version of the 1994 reassessment document on the health effects of dioxin.

July 25-26, 2000 – External Peer Review of draft of June 2000 dioxin reassessment document – Chapter 9: TEF Chapter and Integrated Summary Chapter.

October 2000 – Rider to Senate appropriations bill to stall release of dioxin report lobbied for by chemical industry and cattle ranchers is defeated due to opposition from environmental community.

October 23, 2000 – Chlorine Chemistry Council (CCC) sends letter to the SAB arguing that the public comment period following release of June draft dioxin reassessment was limited and requesting that the 2,000-plus pages be subject to public comment.

October 27, 2000 — James Tozzi, as an Advisory Board Member of the Center for Regulatory Effectiveness, files lawsuit against U.S. EPA challenging agency's conclusion that dioxin is a "probable human carcinogen."

BEHIND CLOSED DOORS

November 1-2, 2000 – EPA's Science Advisory Review Board (SAB) subcommittee reviews the EPA's dioxin reassessment. Thirty-five community leaders from around the country present testimony and call attention to conflicts of interest of many SAB panel members.

November 17, 2000 – Executive Director of Chlorine Chemistry Council sends letter of complaint to Don Barnes, staff director of the SAB regarding how the November 1-2 meeting was conducted and argues that "the atmosphere should be free of intimidation."

November 20, 2000 – Don Barnes responds to CCC that the panel did not feel intimated.

Late 2000 — CCC meets with SAB to recommend guidelines for audience behavior at future meetings.

January 19, 2001 – U.S. District Courts dismisses lawsuit. Tozzi/MBS are appealing decision.

February 5, 2001 – USEPA files motion to dismiss the lawsuit filed by Center For Regulatory Effectiveness due to lack of jurisdiction.

February 5-6, 2001 – SAB Executive Committee meets in Washington, DC and agrees not to formally adopt a policy on "audience behaviors," but will consider proposal as guidelines for future meetings.

March 12, 2001 – Community leaders send letter to the chairman of the SAB challenging the legal implications of SAB proposed policy on "audience behaviors" and requesting a meeting.

March 12, 2001 – SAB releases draft report on dioxin reassessment.

April 11, 2001 – SAB Executive Committee meets to review SAB subcommittee's report on the dioxin reassessment.

APPENDIX B

What is Dioxin?

Dioxin is the name given to a group of persistent, very toxic chemicals. The most toxic form of dioxin is 2,3,7,8-tetrachlorodibenzo-p-dioxin or TCDD. TCDD is more commonly recognized as the toxic contaminant found in Agent Orange and at Times Beach, Missouri. Dioxin is not deliberately manufactured. Rather, it is the unintended by-product of industrial processes that use or burn chlorine. Garbage and medical waste incinerators are two of the largest sources of dioxin identified by the U.S. Environmental Protection Agency (US EPA).

Dioxin is a potent, cancer-causing agent, and causes reproductive harm. It has been called one of the "most toxic substance known to science" because of its wide array of adverse health effects and its ability to cause harm at very low exposure levels.

There are a total of 75 different forms of dioxin. Seven of these substances cause toxic effects in a way that is similar to TCDD and are considered to cause "dioxin-like toxicity." Twelve of the 209 polychlorinated biphenyls (PCBs) and 10 of the 135 dibenzofurans also are dioxin-like.

The toxicity of dioxin-like substances is generally measured against TCDD using "toxicity equivalence factors." In this system, compounds are assigned a fractional potency relative to TCDD. In most cases, TCDD contributes a small fraction of the total amount of toxic equivalents found in the environment.

Health Effects

Most of our information about the health effects of dioxin comes from studying laboratory animals. Some effects have also been observed in accidentally exposed people and workers exposed to dioxin. With additional studies of exposed populations, other effects may be demonstrated in humans.

Scientists have identified a series of steps that lead up to most and possibly all of the observed effects of dioxin and related compounds. Once in the body, the molecules of dioxin "attach" to specific receptor molecules in cells, much like a key fitting into a lock. This leads to changes in the regulation of genes and alters cell function. Scientists are trying to figure out how this mechanism leads to toxic effects. Both animals and humans possess the receptor.

BEHIND CLOSED DOORS

Dioxin is a potent cancer-causing agent. In June, 2000, the US EPA released a draft report on dioxin's health effects, which estimated that the levels of dioxin-like compounds found in the general population may cause a lifetime cancer risk between one in 1,000 to one in 100. This is 1,000 to 10,000 times higher than the generally "acceptable" risk level of one in a million. In 1997, the International Agency for Research on Cancer concluded that there was sufficient evidence from studies in people to classify dioxin as a known human carcinogen and in its 2000 draft reassessment the EPA described dioxin as "carcinogenic to humans." In January 2001, the National Toxicology Program also classified dioxin as a known human carcinogen.

Dioxin causes reproductive and developmental effects in animals at very low doses. Dioxin exposure damages the immune system, leading to increased susceptibility to infectious disease. It can disrupt the proper function of hormones - chemical messengers that the body uses for growth and regulation.

The US EPA's report found that non-cancer health effects of dioxin may be quite important for public health. Subtle effects, such as an impact on learning ability, thyroid and liver functions, and increased susceptibility to infections, have been seen in children exposed to "background" levels of dioxin. Therefore, we are close to "full" when it comes to the amount of dioxin that is expected to cause adverse health effects. Prudent policy would reduce exposure to dioxin and dioxin-like compounds.

Exposure

Every person has some amount of dioxin in his or her body. This is because dioxin does not readily break down in the environment and because dioxin is a fat-loving molecule which accumulates in fat in the bodies of animals and people. Because it is persistent, continual low-level exposure leads to a "build-up" of dioxin in tissues.

According to the EPA, over 96 percent of human exposure occurs through diet, primarily foods derived from animals. Dioxin in air settles onto soil, water, and plant surfaces. It then accumulates in the grazing animals which eat those plants. People then ingest the dioxin contained in meat, dairy products and eggs. Some exposure also comes from eating dioxin-contaminated fish.

Dioxin-like compounds can travel long distances in the atmosphere. As a result, many individual sources may contribute to the dioxin levels deposited onto crops at a particular location. Dioxin exposure of the general population can be thought of as a problem of cumulative emissions from many sources.

Sources

Dioxins and furans are unwanted by-products of many chemical, manufacturing and combustion processes. Dioxin is formed during industrial processes involving chlorine or when chlorine and organic (carbon-containing) matter are burned together. Dioxin is produced by combustion and manufacturing processes that involve chlorine.

Garbage and medical waste incinerators are leading sources of dioxin identified by the EPA. Polyvinyl chloride (PVC) plastic is a major source of chlorine in these incinerators. Besides being emitted into the air, dioxins end up in bottom ash and in the fly ash captured by pollution control equipment in incinerators. Other combustion sources of dioxin include cement kilns, hazardous waste incinerators, metal smelters, wood burning, and vehicles running on leaded gasoline.

Manufacturing sources of dioxin include chemical processes that use chlorine in the production of pesticides, plastics, solvents and dyes. Dioxin is also formed in the pulp and paper industry when chlorine and, to a lesser degree, chlorine dioxide are used to bleach pulp and paper.

Health Effects Related to Dioxin

Cancer

Lung cancer
Stomach and liver cancers
Non-Hodgkins Lymphoma
Soft and connective tissue cancers

Male Reproductive Effects

Reduced Sperm Counts
Abnormal testis
Reduced size of genital organs
Lower testosterone levels

BEHIND CLOSED DOORS

Female Reproductive Effects

Decreased fertility
Ovarian dysfunction
Endometriosis
Hormonal changes

Developmental Effects

Birth Defects
Alteration in reproductive systems
Impacts on learning ability/attention
Changes in sex ratio (fewer male births)

Other Effects

Chloracne
Hirsutism
Hyperpigmentation
Immune suppression
Altered fat metabolism
Diabetes
Liver, spleen, thymus, and bone marrow damage
Nerve system damage

Appendix C

Chemical Industry Support for Bush and Whitman

This appendix includes a brief summary of news clips and information generated for the Stop Dioxin Exposure Campaign by Impact Research, a program of the Data Center in Oakland, California. It is meant to provide a brief overview with examples of the support provided by the chemical industry to George W. Bush and Christine Todd Whitman.

The lists of campaign contributions from chemical industry PACs, CEOs, and employees are not exhaustive. They represent a few examples of what the leading dioxin-generating companies have contributed.

Chemical Industry Support for Bush

Since his days as Texas Governor, George W. Bush has been all too eager to accept large sums of money from the chemical industry and do their bidding at the expense of the environment and public health. Below are some examples of campaign contributions made to Bush and what his supporters expect to receive from his administration.

Chemical Industry Political Action Committee (PAC) Contributions to George W. Bush's 2000 Presidential Campaign

Atlantic Richfield Co. PAC	$2,000
Chemical Manufacturers Assoc. PAC	$3,373
Eastman Chemical PAC	$5,000
Elf Atochem North America, Inc. PAC	$5,000
General Electric Co. PAC	$5,000
Kerr-Mcgee Corp. PAC	$1,000
Lyondell Chemical Co. PAC	$1,000
Nalco Chemical Co. PAC	$2,000
Safety-Kleen Corp. PAC	$2,000
Vulcan Materials Co. PAC	$8,000
Waste Management PAC	$5,000
(Source: EWG, 2001)	
Condea Vista PAC	$2,500
(Source: Franz, 2000)	

BEHIND CLOSED DOORS

Chemical Industry Employee and CEO Contributions to George W. Bush

According to Federal Election Commission regulations, the most an individual can contribute to a presidential campaign is $1,000. Bush received nearly $460,000 from employees working in chemical companies (Franz, 2000a) and more than $480,000 from CEOs of chemical companies (Hitt, 2000).

Examples of contributions to Bush's 2000 presidential campaign from chemical company employees:

Dow Chemical	$22,600
Occidental	$16,929
Eastman	$15,500
Nalco	$14,000
PVS Chemical	$13,728

(Franz, 2000a)

Examples of contributions to Bush's 2000 presidential campaign from chemical company CEOs:

American Chemistry Council officers	$2,482
Dow Chemical CEO William Stravropoulos and his wife	$1,900
Dow's Michael Parker (who took over for Stravropoulos in November)	$1,000
DuPont CEO Charles Holiday	$1,000
Eastman Chemical CEO Earnest Davenport and his wife	$2,000
FMC Chairman and CEO Robert Burt	$1,000
Occidental CEO Roger Hirl and his wife	$1,279
Rohm and Hass CEO Raj Gupta	$1,000

(Franz, 2000a)

Bush Favors Industry At the Expense of Public Health

Below are some glaring examples of Bush's moves to deregulate the chemical industry and weaken environmental enforcement.

Texas Natural Resources Conservation Commission

Bush loaded the Texas Natural Resources Conservation Commission (TNRCC) with pro-industry appointees. His first appointee was Ralph Marquez, a former executive with Monsanto Chemical Company. "One of the

first actions of the TNRCC after his appointment was to stop smog health advisories in the Houston area" (Texas PEER, 2001). Bush's second appointee was Barry McBee, an attorney with the industry-oriented lobby law firm Thompson & Knight. The TNRCC has also drastically "reduced the number of public hearings for pollution permits from 25 in 1996 to 8 in 1998" (Yardley, 1999). Bush cut the agency's budget 20% and eliminated overtime (Texas PEER, 2001). The commission also approved a policy change that forbade surprise inspections of industries. The policy, however, was revoked after heavy criticism (Yardley, 1999). The TNRCC is up for review in 2001. A group of state lawmakers stated, "The state's environmental agency needs to stop protecting the interests of polluters" (Gott, 2001).

Voluntary Emission Reduction Program

"While the Texas Legislature debated closing the grandfather loophole, Governor Bush announced his intention to run for president, and his campaign was financially jump-started by these same grandfathered industries. In just his first months of fundraising, Bush raised more than $313,000 from representatives of 32 of the top 100 grandfathered industrial polluters" (Texas PEER, 2001). By the end of the 1999 "legislative session, only the grandfathered power plants and a few of the largest polluters were required to reduce emissions. According to the Sustainable Energy and Economic Development Coalition, over 84% of the polluting facilities are still grandfathered and remain exempt from Texas's strongest pollution control laws" (Texas PEER, 2001).

The voluntary permitting law was written by industry in a series of secret meetings. The companies that attended the meetings were "among Mr. Bush's most reliable and generous contributors. At least $973,000 in campaign contributions could be traced to employees of those companies. Family members, lawyers or lobbyists of companies attending the meetings" (Yardley,1999). In a report just released by the TNRCC, only one plant with emissions significant enough to be listed on a state pollution inventory has received a voluntary permit, which allows the state to track and regulate pollution. Of the 706 companies without environmental permits, only 208 have either applied for a permit or stated their intention to do so (Strassman, 2001).

Audit Privilege Law

In 1995, Bush signed a law that allows companies to audit themselves for environmental violations. If a company found any violations, the law allowed it to report the violations without fear of fine or penalty as long as the company presented a cleanup plan. The violation would not be made public

(Yardley, 1999). After protests from the EPA, the law dropped the criminal immunity. Texas Public Employees for Environmental Responsibility reported that Bush campaign contributors were "nearly three times as likely to receive immunity from prosecution for pollution violations as non-contributors" under the 1995 Audit Privilege Law (Johnson, 1999).

Weakening of Texas Superfund

In 1998 Bush and industry rewrote Texas Superfund law. It limited the liability of polluters, leaving the public to bear the costs of cleanup. The law also allowed the TNRCC executive director to remove facilities from the state Superfund list (Texas PEER, 2001). Bush's success in weakening Texas Superfund is significant since industry has been advocating for similar actions taken on a national level. The chemical industry seems optimistic: "George W. Bush may deliver some of the items on industry's regulatory wish list despite the Democrats' strengthened hand in Congress…More comprehensive laws to overhaul the regulatory process will be harder to come by…"(Franz, 2001).

Chemical Industry Support for Whitman

As Governor of New Jersey, Christine Todd Whitman made her mark by rolling back the enforcement of environmental standards in the name of economic development. She has also given the chemical industry a seat at the table when developing regulations. What follows are some examples of how the chemical industry influenced her policy decisions as Governor. Is this what we can expect from her as Administrator of the EPA?

Chemical industry Political Action Committee (PAC) Contributions to Christine Todd Whitman

2000 Senate Campaign:

Allied-Signal PAC	$1,000
American Portland Cement Alliance PAC	$1,000
BASF Corp Employees PAC	$5,000
Browning-Ferris Industries PAC	$1,000
Lear Corp PAC	$1,000
Merck PAC (for Merck & Co. Inc)	$2,750
Warner-Lambert Co. PAC	$1,000

(Source: EWG, 2001)

Glaxo Wellcome Inc. PAC	$3,000
International Paper PAC	$2,000
Novartis Employee Good Govt Fund	$1,650
Ogden Corp. PAC	$1,000
Schering-Plough Corporation Better Government Fund	$1,650
Weyerhaeuser Co. PAC	$1,650

(Source: FEC, 2001)

1997 Gubernatorial Campaign:

Arco Chemical Company, Inc.	$1,050
Atlantic Richfield Company, Inc.	$ 525
Bayer Corp.	$ 525
Brown Chemical Co. Inc.	$1,500
Merck & Co. Inc.	$2,000
Tosco Refining Company Inc.	$2,525

(Source: NJELEC, 2001)

Whitman Favors Industry At the Expense of Public Health

Below are some glaring examples of Whitman's efforts to deregulate the chemical industry's environmental standards and weaken environmental enforcement.

New Jersey Department of Environmental Protection

"After taking office in January 1994, Governor Whitman promised to make the state 'open for business.' Governor Whitman also cut the budget for the state's Department of Environmental Protection (DEP) from $200 million in 1993 to $168 million in 1997. She reduced DEP's staff by 738 employees and eliminated the job of environmental prosecutor" (Hess, 2001). "In a confidential survey [conducted by the Public Employees for Environmental Responsibility] of DEP employees this past summer [1997], one in four who responded said they have been told by supervisors to ignore environmental rules and regulations during the past three years…The findings offer a scathing indictment of an agency where employees say corporate influence is pervasive and scientific findings are manipulated according to political considerations. 'Employees are reporting secret delays to gut regulation, pressure to block enforcement and a pervasive fear of retaliation for pointing out problems,'" says Jeff Ruch, executive director of PEER (Johnson, 1997).

BEHIND CLOSED DOORS

Enforcement

“During her first three years, [Whitman] championed a voluntary compliance initiative for industry and cut enforcement fines and penalties by 80 percent. Fines for air, and water pollution violations in New Jersey have fallen from about $40 million in 1993 to $11 million this year…In addition, Whitman eased right-to-know requirements for companies that use toxics substances, authorized a penalty-free grace period for companies to correct violations, established streamlined applications for air and water pollution permits….” (Hess, 2001). “Streamlined pollution permits at manufacturing plants have enabled some corporations to discharge more toxic substances while saving money on pollution control” (*The Record*, 1996). "I think on enforcement, there has been much of an attitude of: 'If people have a violation, we can find a way to negotiate around it," said John Weingart, a former assistant DEP commissioner. "My impression is that enforcement is radically different and less aggressive in the department now than when she took office, and that will certainly be an issue at EPA" (Nussbaum and Barry, 2001).

Right to Know Laws Drastically Reduced

In 1992 Robert Shinn (later appointed by Whitman as head of the DEP) sponsored a bill supported by the Chemical Industry Council of New Jersey that would have cut the number of chemicals on the Right to Know list but required warning placards on the outside of buildings. The bill failed. In 1994, soon after Whitman appointed Shinn as head of the DEP, the department deleted more than 2,000 of the 2,900 chemicals once covered by the law. In addition, Shinn decreed that the more than 800 chemicals that remained had to be reported only if more than 500 pounds was stored. There had been no minimum weight limit for most of the program's existence, until a 100 pound threshold was installed in 1993. The significance of the higher limit is that a 55 gallon drum, the most common way to store many chemicals, typically weighs less than 500 pounds and would not have to be reported if only one drum was in use (Richmond and McNichol, 1996).

"An analysis by *The Record* shows that many chemicals removed from the list can cause death, cancer, or other serious health problems if mishandled, according to safety manuals and the state's own reports… In addition, funding and staff have been cut in the Right to Know program, which already had been struggling to enforce the law. *The Record* found that few facilities are inspected, violations are rampant, and scofflaws rarely are fined…Some 33,000 companies, nearly one out of every six New Jersey employers, are covered by the Right to Know, which targets industries considered most likely to use dangerous chemicals" (Richmond and McNichol, 1996).

BEHIND CLOSED DOORS

Gutting Water Quality Regulations

The Whitman administration proposed 1,500 pages of changes in water regulations that would have allowed more toxic substances to be dumped into the state's waterways (Preston, 1997). "Industries could have dumped higher concentrations of such toxic substances as chromium and zinc into the state's waterways. Fines for water polluters would have been drastically reduced. And sewage-treatment plants along the Passaic River would have been allowed to discharge twice as much treated wastewater, millions of gallons worth, without studying the impact on water quality" (*The Record*, 1996a). Due to strong opposition, in late 1996 Whitman announced the state would scrap the proposal and start over (Preston, 1997).

Building Alliances with Industry

About a year after Whitman took office, a meeting was held with executives from five of the states largest companies and the DEP commissioner. They discussed the overhaul of the state's rules for controlling air pollution. One person from the environmental community was at that meeting, despite statements from the DEP commissioner that they were equal partners and would be included in the rewriting process. "Besides winning concessions on the air pollution and permit rules…the other four companies at that meeting have benefited from three corporate tax reductions, dramatic cuts in water pollution fees, reduced DEP oversight of their emissions, and millions of dollars in direct subsidies from taxpayers since Whitman took office in 1994. Among them, these five companies have laid off more than 1,000 New Jerseyans since Whitman took office"(McNichol and Richmond, 1996). This flies in the face of her plan to create jobs and make the state more economically viable. The DEP recently overhauled the air-pollution permits for the state's 900 largest factories, after corporate lobbyists negotiated the new rules in roughly 50 meetings with DEP staffers and quarterly meetings with DEP Commissioner Robert Shinn (*The Record*, 1996b).

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