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Conflicted West Virginia chemical spill panel is repeating many of CDC's mistakes

By Richard Denison | Bio | Published: April 2, 2014

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Yesterday, the chair of a "Health Effects Expert Panel" convened by the West Virginia Testing Assessment Project (WV TAP) held a press conference to present the panel's preliminary findings from its review of the "safe" level set by the Centers for Disease Control (CDC) for MCHM and other chemicals that spilled into the Elk River in early January and contaminated the drinking water of 300,000 West Virginia residents.

A final report from the panel apparently won't be released until May, but a press release issued yesterday sounds far from preliminary in saying the panel supports CDC's methods, assumptions, toxicity data and "safety factors." While providing no details, the release indicates the panel is using the same flawed and incomplete summary of a toxicity study used by CDC in its rush to set a safe level for MCHM. And it parrots CDC's erroneous use of the term "safety factors," which is at odds with the National Academy of Sciences' strong recommendation that such term should be avoided as it is highly misleading.

In addition to choosing to rely on the same summary CDC used of a 1990 study conducted by MCHM's manufacturer, Eastman Chemical, it accepted at face value Eastman's interpretation that the study identified a no-effect level. That conclusion has been questioned and cannot be independently assessed because Eastman has not provided the actual quantitative data from the study. Moreover, the study used a protocol dating from 1981 that has been extensively revised at least twice since then. These are among the many problems identified with this study.

It appears the panel's main departure from CDC was to assume the most highly exposed population would have been formula-fed infants instead of older children. The panel's "safe" level is 120 parts per billion (ppb), a value about 8-fold lower than CDC's level of 1 part per million (ppm). That seems an improvement over the CDC's methodology.

The panel's conflict of interest

However, the process by which the panel itself was formed and the clear conflict of interest (COI) involved – a conflict that only came to light in response to a reporter's questions at yesterday's press conference – are deeply concerning.

The company selected by WV TAP to convene the Health Effects Expert Panel is named Toxicology Excellence in Risk Assessment (TERA), founded by Dr. Michael Dourson. TERA has a long history of working with the petrochemical and related industries. Acknowledged sources of industry funding noted on its website include the American Petroleum Institute, PPG Industries, Eli Lilly, the American Cleaning Institute (formerly called the Soap and Detergent Association), Procter & Gamble, and the Nickel Producers Environmental Research Association.

While TERA was chosen by WV TAP to convene the Health Effects Expert Panel, TERA's role is far more substantial. TERA appointed its own founder, Dr. Dourson, as chair of the panel, and Dourson was the only one of the panel's members to speak at yesterday's press conference.

At the press conference, a reporter asked Dourson whether he or TERA had worked for Eastman Chemical, Dow Chemical (the maker of the other chemicals that spilled on January 9) or trade associations that represent their interests. Dourson's response to this question was apparently the first public disclosure of his affiliations with these companies. According to the Charleston Daily Mail:

During the event, Dourson acknowledged his nonprofit organization TERA had conducted some work for Dow Chemical, one of the makers of a chemical believed to have been involved in the spill. He said they've also done work for Eastman Chemical, the maker of crude MCHM, but not recently. TERA has done work for the state of West Virginia in the past as well, he said.

On its website, TERA says it's received between 31 and 40 percent of its funding since 2008 from industry and industry related work. The rest comes from "government and other nonprofit work."

The fact that an individual and company that have done work directly for the companies that make the spilled chemicals were selected not only to convene the expert panel, but to chair it and serve as its spokesperson, points to a clear conflict of interest. And the fact that the conflict was only revealed because a reporter happened to ask the right question is even more troubling.

A quick search for recent work done by Dourson and TERA funded by Dow turned up the following:

- The importance of problem formulations in risk assessment: A case study involving dioxin-contaminated soil (2013)

- funding from Dow Chemical

- COI statement for Dourson disclosed he has consulted for Dow Chemical

- Advancing human health risk assessment: integrating recent advisory committee recommendations (2013)

- co-author with Dow, ACC, and others

- funding from each author's organization (including Dow and ACC)

- Peer workshop on toxicological assessment and development of RfDs for Acetanilide degradates (2009)

- organized by TERA

- funding from Monsanto and Dow

TERA also convenes and manages several other projects that are heavily funded by the chemical industry and promote its agenda. These include:

- a "Kids and Chemical Safety" website launched with funding from the American Chemistry Council (ACC), about which I've already blogged; and

- the Alliance for Risk Assessment (ARA), which lists a veritable who's who of industry sponsors.

Anyone else see a problem here?

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