



E. R. ZUMWALT, JR.
ADMIRAL, U. S. NAVY (RET.)

October 9, 1992

To the Members of the Agent Orange Coordinating Council:

The attached letter and documents are copies of what has been sent to Dr. Frank Press, President, National Academy of Sciences concerning the conflicts of interest of individuals serving on the Institute of Medicine Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides.

Dr. Whorton resigned before a formal issue could be made of his bias. However, Dr. Stoto, the Director of the Committee, remains. As was discussed with many of you at the Agent Coordinating Council meeting of September 29, 1992, anything that can be done to involve your senators and congressmen/women to resolve this issue is greatly appreciated. Specifically, we need to recommend that Dr. Stoto be removed by emphasizing his knowledgeable involvement in the Whorton appointment.

Sincerely,

E. R. Zumwalt, Jr.



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ADMIRAL, U. S. NAVY (RET.)

September 29, 1992

Dr. Frank Press
President
National Academy of Sciences

Dear Dr. Press:

I am writing this letter as Chairman of the Agent Orange Coordinating Council, which has a membership of 33 veterans' organizations and related institutions, to call for immediate review as to whether two scientists should continue to serve on the Institute of Medicine, National Academy of Sciences, Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides.

The many member organizations which have dealt with Dr. Stoto, Deputy Director of the Division of Health Promotion and Disease Prevention at the Institute of Medicine, have been assured by him that the Institute of Medicine was going to choose those persons as Committee members who were not previously associated with the issue, the studies, and/or the controversy surrounding Agent Orange/dioxin. In that regard, see the attached letter to Senator Daschle from Michael N. Sovick of the Oklahoma Agent Orange Foundation. I can certify that Dr. Stoto gave me and other associates the same assurance.

Dr. M. Donald Whorton, who has been designated as Vice Chairman of the Institute of Medicine, National Academy of Sciences, Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides, shows in his biography that he is Vice President and Chief Medical Scientist of ENSR. His attached resumé shows that from 1978 until the present he has served as Principal, Senior Occupational Physician/Epidemiologist in Environmental Health Associates, Inc. Both organizations, and Dr. Whorton within them, are clearly identified as fostering the industrial companies' points of view with regard to the relative non-consequential nature of pesticides, dioxin, etc.

In the hearing before the Human Resources and Intergovernmental Relations Subcommittee of the Committee on Government Operations, House of Representatives, held on July 26, 1990, on page 25, Dr. Vernon Houk identifies ENSR as one of the two consulting firms which was hired by the paper mill holding company, Georgia Pacific. Dr. Houk identified ENSR as having participated in preparing the document to recommend to the state of Georgia that the discharge standards for dioxin be increased (worsened) by a factor

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of 500 times the Federal standard established by EPA. The hearing established conclusively that the letter which Dr. Houk wrote to the state of Georgia recommending the increase in these standards was based almost identically upon material prepared by Georgia Pacific, its law firm, and its consulting companies of which ENSR was one.

The attached letter to Dr. Whorton, signed by Dr. Alfred Yankauer, Editor of The American Journal of Public Health, indicates that the scientific papers regarding the relationship between the pesticide dibromochloropropane (DBCP) in drinking water and certain cancers and birth outcomes, submitted by Dr. Whorton to The American Journal of Public Health were not acceptable for publication. Dr. Yankauer rejects these papers for several reasons. He states, "I cannot agree with your interpretation of these data...and feel that the Journal would be remiss if it were to publish them. Not only can one never really prove a negative, the data themselves strongly suggest a relation between polluted wells and both leukemia and cancer which your interpretation seems to ignore." Dr. Yankauer continues, "...[T]wo papers rely on some imperfectly recorded data (anomalies), do not control for the many confounders that could influence the outcomes, and rely on crude indicator outcomes which do not necessarily reflect the biological action of DBCP...[O]ne is left, surely, with substantial undifferentiated misclassification which bias toward the null..[B]oth cancers show substantial risk associated with pollution in the logistic regression. Under the circumstances, to state that 'no relationship exists' between these cancers and DBCP in drinking water does not seem justified...While the data do not prove an association, they seem to lean more toward this possibility than toward ruling out an association."

The attached Environmental Health Associates, Inc. document dated July 12, 1988, is a declaration by Dr. Donald Whorton given at the request of Shell Oil Company concerning the maximum contaminant level for dibromochloropropane (DBCP) in drinking water.

The attached document "In the Superior Court of the State of California in and for the County of San Francisco" in the Bernard Ackerson, et al., Plaintiffs, vs. The Dow Chemical Company et al., Defendants dated Wednesday, May 24, 1989, is the deposition of Dr. Donald Whorton given on behalf of Dow Chemical Company. Among other things Dr. Whorton testifies that "somewhere in the neighborhood of \$750,000 to \$800,000 as I recall" were received by Environmental Health Associates, Inc. for the study it did for Shell Company. He testifies that the majority of EHA's income during its existence came from industry and only "five to ten" percent came from the public sector.

The attached letter from Mr. Sovick of The Oklahoma Agent Orange Foundation cites Marc Lappé's Chemical Deception, Sierra Club Books, 1991, page 89, as reporting that he "learned that Dr. Whorton's private company, Environmental Health Associates and the Stanford Research Institute (SRI, International) had been under contract by the National Forest Products Association to write reports on the safety of phenoxy herbicides, especially 2,4-D and its congener, 2,4,5-T. The Environmental Health Associates report -- coauthored by Whorton -- concluded that 'data from valid scientific inquiries appear to support the safety of continued use of this herbicide when used as directed.'" 2,4-D and 2,4,5-T are two of the three chemicals in Agent Orange.

Mr. Sovick also cites the Air Force Health Study, Mortality Update, 1991, page 27 and states that "Furthermore, Dr. Whorton is a member of the [Ranch Hand] Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants." Senator Daschle has established pretty conclusively that the Ranch Hand Studies have not been done objectively.

The attached Hearing before the Committee on Veterans' Affairs, House of Representatives, April 4, 1990, shows that Dr. Whorton appeared before the Committee as a member of the Advisory Committee on the Centers for Disease Control Study of the Health of Vietnam Veterans, Institute of Medicine, National Academy of Sciences, accompanied by Michael A. Stoto, Ph.D., Advisory Committee Study Director. His testimony appears on pages 179-180. Of greater importance for purposes of determining objectivity, he praises undeservedly the Selected Cancers Study. He seems to have totally disregarded the fact that the exposure of the Vietnam veterans to Agent Orange was not established and that, therefore, based on what is now known about the way in which the studied Vietnam veterans were selected, massive dilution of any exposed group occurred.

The attached letter from Dr. Samuel S. Epstein, Professor of Environmental and Occupational Medicine, School of Public Health, University of Illinois Medical Center written to Mr. Will Lindner, Editorial Page Director to The Sunday Times Argus in Barre, Vermont cites the "long standing, pro-industry bias and conflicts of interest in NAS committees". He lists four specific samples including the fact that with regard to the Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides, the "Vice Chair of this committee is Donald Whorton, a well known industry consultant whose major clients for the past decade have been Shell and Dow Chemical, the major manufacturer of Agent Orange. Additionally, and contrary to explicit NAS assurances that none of the committee members had prior involvement with Agent Orange, Whorton presented biased testimony on Agent Orange, before the Senate Veterans Affairs committee in 1990, testimony in which Michael Stoto, the NAS committee Study Director, was also involved."

Finally, the attached document prepared by Dr. Cate Jenkins for the Institute of Medicine, National Academy of Sciences, September 9, 1992 Public Meeting on Health Effects in Vietnam Veterans of Exposure to Herbicides makes it clear that under the Ethics Reform Act of 1991 "past employment as a consultant or expert witness for, or receipt of grant money from, any of the manufacturers of the herbicides used in Vietnam would obviously cause a reasonable person to question the ability of that person to review the health effects of these herbicides with impartiality. On the other hand, a personal concern over the effects of these herbicides, if this personal concern does not involve the covered financial or business interests defined by the ethics regulations, would not be considered disqualifying under the ethics regulations. Thus, if the IOM, NAS chooses for its panels, committees, or staff positions persons who have past, present or planned financial interests and/or business relationships with the manufacturers of herbicides, but excludes others who merely have deep personal concerns over these herbicides, then something is clearly wrong."

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In view of the fact that Dr. Whorton clearly has a conflict and does not meet the criterion stipulated by Dr. Stoto and the National Academy of Sciences, and in view of the fact that Dr. Stoto clearly knew this, I urge in the strongest possible terms that Dr. Whorton be removed from the IOM panel currently reviewing the effects of Agent Orange and that Dr. Stoto be replaced by a more objective scientist. In my judgment, the thousands of Vietnam veterans and families following the Agent Orange issue are simply not going to accept the IOM's ultimate results if these changes are not made.

Sincerely,


E. R. Zumwalt, Jr.

cc: The Honorable Anthony Principi,
Acting Secretary, Department of Veterans' Affairs