

Congress of the United States  
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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December 8, 2017

Dr. Christopher P. Wild  
Director  
IARC  
150 Cours Albert Thomas  
69372 Lyon CEDEX, 08  
France

Dear Dr. Wild:

The purpose of this letter is to reiterate the requests in the November 1, 2017, letter from the Committee on Science, Space, and Technology. In our prior letter, the Committee asked that the International Agency for Research on Cancer (IARC) provide the names of potential witnesses for a hearing before the Committee. Unfortunately, your November 20, 2017, letter failed to provide the Committee with a potential witness for a hearing and did not adequately address our concerns regarding the scientific integrity of the IARC Monograph Programme (IMO).

Since 1985, IARC has received more than \$48 million from NIH, \$22 million of which has gone to the Monograph Programme (IMO). The U.S. Constitution grants Congress the power to oversee the spending of taxpayer dollars.<sup>1</sup> As such, the Committee is required to carry out its Constitutional duty to ensure the stewardship of these funds. Given that the Committee has questions regarding the scientific integrity of the IMO, the Committee may decide to consider the appropriateness of providing continued U.S. federal government funding for the program. In light of these considerations, the Committee requests that IARC reconsider its position and provide a list of potential witnesses who are available to testify before the Committee.

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<sup>1</sup> U.S. CONST. art. I, § 8, cl. 1; *id.* § 9, cl. 7.

The Committee also takes issue with the substance of IARC's November 20 response. Your response purports that the IARC Monographs are "free from vested interests" and that Christopher Portier was not involved with drafting or interpreting the evaluations of the IARC Monograph on glyphosate.<sup>2</sup> In a deposition conducted of Portier in ongoing litigation, he admits that when he took on the role as Invited Specialist for IARC, he had already been working for months with the same firm that later brought him on as a litigation consultant for glyphosate related litigation.<sup>3</sup> Within nine days of IARC announcing glyphosate as a Group 2A carcinogen, Portier took the position as a litigation consultant.<sup>4</sup> This circumstance presents the issue that if Portier had anticipated his role as a litigation consultant, his work on the Monograph may have reflected his bias to classify glyphosate as a carcinogen.

Additionally, the Committee understands that Portier was working for the Environmental Defense Fund, an activist non-governmental environmental organization while also serving as an Invited Specialist on the IARC Monograph program. According to documents obtained by the Committee, Portier stated in an email to Linda Birnbaum at NIEHS that while he was participating in the IMO he was at the same time "enjoying helping [the Environmental Defense Fund]"<sup>5</sup> (EDF) with a project involving a wristband that exposes the hazards of various chemicals and pesticides.<sup>6</sup> At the time Portier chaired the glyphosate Advisory Group, he had already been working as a senior scientist for EDF for over a year.<sup>7</sup> The Committee finds it difficult to view Portier's work with EDF and his role on the glyphosate monograph as anything but a conflict of interest.

Furthermore, your letter asserts that Invited Specialists, such as Portier, do not "draft text that pertains to the description or interpretation of cancer data, or participate in the evaluations."<sup>8</sup> Your assertion implies that any potential bias Portier may have had, either through his work as a litigation consultant or his position with the EDF, could not have interfered with his role on the Monograph. Unfortunately, the facts say otherwise. Despite his role as an Invited Specialist, Portier did work to influence the interpretation of the text in the Monograph.

Documents obtained by the Committee reveal multiple instances of Portier's influence. Emails demonstrate that Portier was included in conversations with Working Group authors discussing the drafting of the glyphosate Monograph.<sup>9</sup> Additionally, Portier was active in developing responses to the European Food Safety Authority's (EFSA) reassessment on

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<sup>2</sup> Letter from Dr. Christopher Wild to Hon. Lamar Smith and Hon. Andy Biggs (Nov. 20, 2017).

<sup>3</sup> Portier Dep. 83:1- 83:8, Oct. 6, 2017.

<sup>4</sup> *Id.* at 24:15-24:2.

<sup>5</sup> E-mail from Chris Portier to Linda Birnbaum (Oct. 21, 2015, 12:06 AM EDT).

<sup>6</sup> Advocacy Partner of Environmental Defense Fund, Report: EDF Deploys New Technology, Shows Americans Can't Avoid Hazardous Chemicals (Oct. 16, 2015).

<sup>7</sup> Portier, *Supra* note 3, at 25:17- 25:24.

<sup>8</sup> Letter from Dr. Christopher Wild to Hon. Lamar Smith and Hon. Andy Biggs (Nov. 20, 2017).

<sup>9</sup> E-mail from Kathryn Guyton to Chris Portier, Matthew Ross, Lauren Zeise, et al. (March 6, 2015, 4:40 PM).

glyphosate, and thus influencing the interpretation of the Monograph.<sup>10</sup> He was the mastermind behind a letter sent to the European Commission on Health and Food Safety, and signed by scientists involved in the glyphosate monograph, lobbying for the rejection of findings made by EFSA and championing the IARC position.<sup>11</sup> Also alarming is that Portier was portrayed in the media, without correction from IARC, as a “co-author” of the assessment.<sup>12</sup>

As far as the Monograph itself, the Committee understands that IARC uses published materials. However, the Committee believes the Agricultural Health Study (AHS) should have been mentioned even though it was not yet published. The AHS presented data on cancer in more than 50,000 humans; whereas, much of the research relied upon by the monograph was on animals.<sup>13</sup> Aaron Blair admitted this study would have “altered IARC’s analysis,”<sup>14</sup> yet he did not take any steps to allow its consideration for the Monograph either by trying to publish the study quicker so it could be used in the assessment, by delaying IARC’s assessment until the study was published, or by at least mentioning the study in the assessment, even if it could not hold official weight in the result. Furthermore, the study was just recently published for the first time,<sup>15</sup> so the letter’s mention of the Working Group “considering the published report from AHS” is at best misleading.<sup>16</sup>

Finally, the Committee questions the assertion that it is “standard practice in scientific communities” to keep draft and deliberative materials secret.<sup>17</sup> Part of the scientific process is maintaining a sense of transparency. This means granting the public access to data used in determining scientifically significant conclusions that affect policy. The letter asserts that drafts are kept private to “protect Working Group scientists from interference by vested interests.”<sup>18</sup> The general public *does* have a vested interest in having access to the science used in IARC’s assessments. That is why other agencies that conducted review of glyphosate, such as the Environmental Protection Agency (EPA) and the European Food Safety Authority (EFSA), published draft reviews and maintained public comment period.<sup>19</sup> Accordingly, the Committee

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<sup>10</sup> E-mail from Chris Portier to Isabelle Baldi, Aaron Blair, Peter Egeghy, et al. (Nov. 10, 2015, 10:53 AM).

<sup>11</sup> *Id.*

<sup>12</sup> *Glyphosate damages DNA, says World Health Organisation expert*, July 15, 2015, available at <http://www.gmwatch.org/en/news/latest-news/16302-glyphosate-damages-dna-says-world-health-organisation-expert>.

<sup>13</sup> Kate Kelland, *Cancer agency left in the dark over glyphosate evidence*, REUTERS, June 14, 2017, available at <https://www.reuters.com/investigates/special-repo11/glyphosate-cancer-data/>.

<sup>14</sup> *Id.*

<sup>15</sup> Kate Kelland, *Large U.S. farm study finds no cancer link to Monsanto weedkiller*, Nov. 9, 2017, available at <https://www.reuters.com/article/us-health-cancer-glyphosate/large-u-s-farm-study-finds-no-cancer-link-to-monsanto-weedkiller-idUSKBN1D916C>.

<sup>16</sup> Letter from Dr. Christopher Wild to Hon. Lamar Smith and Hon. Andy Biggs (Nov. 20, 2017).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Kate Kelland, *In glyphosate review, WHO cancer agency edited out "non-carcinogenic" findings*, REUTERS, Oct. 19, 2017, available at <http://www.reuters.com/investigates/special-repo1t/who-iarcglyphosate/>.

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rejects the argument that standard practice in the scientific community is to keep draft documents hidden from the public.

Given the serious nature of these concerns related to expenditures of taxpayer dollars, the Committee's request for a witness to provide testimony regarding this matter should not be disregarded by IARC. As such, we reiterate the request in our November 1, 2017, letter. Please provide the Committee a response to this request to the as soon as possible, but no later than December 15, 2017, at 12:00 p.m. If IARC does not provide a full response to the request for potential witnesses, the Committee will consider whether the values of scientific integrity and transparency are reflected in IARC Monographs and if future expenditures of federal taxpayer dollars to this end need to continue.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific research and developmental programs and "shall review and study on a continuing basis laws, programs, and Governmental activities" as set forth in House Rule X. This request and any documents created as a result of this request will be deemed congressional documents and property of the House Science Committee.

If you have any questions about this request, please contact the Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Rep. Lamar Smith  
Chairman  
Committee on Science,  
Space, and Technology



Rep. Andy Biggs  
Chairman  
Subcommittee on  
Environment



Rep. Frank Lucas  
Vice Chairman  
Committee on Science,  
Space, and Technology

cc: The Honorable Eddie Bernice Johnson, Ranking Member, House Committee on Science,  
Space, and Technology  
The Honorable Suzanne Bonamici, Ranking Member, Subcommittee on Environment