

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

(202) 225-6371
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November 1, 2017

Mr. Eric D. Hargan
Acting Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Mr. Hargan:

The Committee on Science, Space, and Technology is conducting oversight of the National Institutes of Health's (NIH) National Institute of Environmental Health Sciences (NIEHS) regarding the International Agency for Research on Cancer's (IARC) Monograph Programme (IMO). IARC is a France-based cancer agency of the World Health Organization (WHO). The IMO section of IARC aims to identify environmental factors that may increase the risk of cancer in humans.¹ The Committee is investigating the scientific integrity of IARC's Monograph 112 process on glyphosate after news media reporting revealed a lack of transparency, data manipulation and deletion, and potential conflicts of interest. This information raises concerns regarding scientific integrity and quality within IARC, and in turn, NIEHS. This Committee is writing to request documents and information to understand the extent in which NIEHS and NIH are involved with the monograph process to ensure scientific integrity and an honest use of taxpayer dollars.

On October 19, 2017, news media reported that there had been significant changes made to the animals studies chapter in the glyphosate assessment.² When comparing IARC's draft assessment of glyphosate with the public report, an investigation found multiple alterations and omissions in various studies.³ The final report categorized glyphosate a Group 2A chemical, which means that the chemical "probably" causes cancer in people.⁴ In arriving at this

¹ International Agency for Research on Cancer, <http://monographs.iarc.fr/> (last visited Oct. 26, 2017).

² 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-report/who-iarc-glyphosate/>.

³ *Id.*

⁴ International Agency for Research on Cancer, *Some Organophosphate Insecticides and Herbicides/IARC Working Group on the Evaluation of Carcinogenic Risks to Humans*, vol. 112 (2015), available at <http://monographs.iarc.fr/ENG/Monographs/vol112/mono112.pdf>.

classification, the final report omitted conclusions of several scientists that found no link between glyphosate and cancer in animal studies.⁵ There is also evidence that conclusions from original studies under IARC review were replaced with new statistical analysis, thus manipulating the final conclusion of the original studies.⁶ Overall, the investigation found ten instances of omission or data manipulation in the glyphosate monograph.⁷ Additionally, in six instances, comments in the draft copy that noted no link between glyphosate and cancer were replaced with the sentence, “[t]he Working Group was not able to evaluate this study because of the limited experimental data provided in the review article and supplemental information.”⁸ These are just a few examples of the deletions, manipulations, and omissions in Monograph 112. IARC has refused to provide an explanation for the data manipulations.⁹

The Committee is also concerned that IARC’s review process for glyphosate is not publically available. Other agencies and programs, such as the European Food Safety Authority (EFSA) and the Environmental Protection Agency (EPA), that conducted analysis of glyphosate have demonstrated transparency in their processes, while IARC commented that “draft versions of the Monographs are deliberative in nature and confidential.”¹⁰ It is an affront to scientific integrity to keep “confidential” a scientific process that directly influences policy and individual taxpayers.

This is not the first time that questions have arisen concerning the IARC assessment on glyphosate. In June of this year, it became evident that when Aaron Blair, an epidemiologist from the U.S. National Cancer Institute (NCI), chaired a 2015 IARC meeting concerning glyphosate’s toxicity, he withheld critical unpublished research from IARC. This research was part of a study spearheaded by NCI.¹¹ Court documents showed that Blair was aware of the unpublished research that found no evidence that exposure to glyphosate is linked to cancer.¹² He admitted that consideration of this data could have prevented glyphosate’s ultimate classification as a probable carcinogen.¹³ IARC responded to these allegations by arguing that only published research could be considered in assessing carcinogenicity. Even if true, the data had been available for two years prior to the IARC assessment on glyphosate.¹⁴ When considering this information in tandem with the recently uncovered data manipulation, the Committee is concerned that this data may have been deliberately kept unpublished in order to prevent its inclusion in the IARC assessment.

⁵ *In glyphosate review, supra* note 2.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Kate Kelland, *Cancer agency left in the dark over glyphosate evidence*, REUTERS, June 14, 2017, available at <https://www.reuters.com/investigates/special-report/glyphosate-cancer-data/>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

Also troubling are the statements made by Christopher Portier in his deposition on September 5, 2017.¹⁵ In 2014, Portier was the chairman of an IARC committee that proposed an IMO on glyphosate.¹⁶ Within nine days of IARC announcing glyphosate as a Group 2A carcinogen, Portier took a position as a private consultant for two law firms.¹⁷ In fact, he had maintained his role as a litigation consultant the entire time he led “conversations with U.S. and European regulators about glyphosate.”¹⁸ According to his deposition, Portier benefited directly from IARC’s classification of glyphosate. He billed one of the firms \$160,000 for his work preparing the case against Monsanto,¹⁹ an agricultural company that experienced a litany of lawsuits over glyphosate after IARC’s IMO on glyphosate.²⁰ The Committee is concerned about the effect of Portier’s conflict of interest on the glyphosate assessment.

The reported manipulation of Monograph 112 on glyphosate by IARC, Blair, and Portier is a disservice to the American taxpayer. The Committee is determined to continue its oversight of NIEH and NIH to ensure proper stewardship of taxpayer dollars. The IARC Monographs on the Evaluation of Carcinogenic Risks to Humans program has received more than \$22 million from NIH alone since 1985.²¹ In total, IARC has received more than \$48 million from NIH in the same time period.²²

The Committee has a responsibility to ensure that the federal government funds and bases policy decisions on the best available science. To understand the relationship between NIEHS/NIH and IARC, please provide all documents and communications between or among members of the IARC monograph program and any research institutes or agencies within HHS, including but not limited to NIEHS and NIH. We ask that you provide this information no later than November 15, 2017.

The Committee has jurisdiction over environmental and scientific research and development programs and “shall review and study on a continuing basis laws, programs, and Government 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.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all

¹⁵ Portier Dep., Oct. 6, 2017.

¹⁶ *Id.* at 24:15-24:25.

¹⁷ *Id.* at 75:5-75:13.

¹⁸ *Id.* at 84:1-84:8.

¹⁹ *Id.* at 96:14-96:22.

²⁰ *In glyphosate review, supra* note 2.

²¹ Research Portfolio Online Reporting Tools, “Evaluation of Carcinogenic Risks to Humans,” https://projectreporter.nih.gov/project_info_history.cfm?aid=9334069&icde=36612010.

²² Research Portfolio Online Reporting Tools, https://projectreporter.nih.gov/Reporter_Viewsh.cfm?sl=12EFCF0E4D8AC3D27598B8961CAA4A01A2FFCEB861BF.

Eric D. Hargan
October 30, 2017
Page 4

documents in electronic format. An attachment to this letter provides additional information regarding producing documents to the Committee.

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

Sincerely,

A handwritten signature in blue ink that reads "Lamar Smith". The signature is fluid and cursive, with the first name "Lamar" written in a larger, more prominent script than the last name "Smith".

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

A handwritten signature in blue ink that reads "Andy Biggs". The signature is fluid and cursive, with the first name "Andy" written in a larger, more prominent script than the last name "Biggs".

Rep. Andy Biggs
Chairman
Subcommittee on Environment

cc: The Honorable Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology

The Honorable Suzanne Bonamici, Ranking Member, Subcommittee on Environment

Enclosure