

Viewpoint: How trial lawyers rigged IARC's cancer monograph program to fuel lawsuits targeting glyphosate, other chemicals

In February 2019, I released my most damning [exposé](#) on corruption inside the International Agency for Research on Cancer (IARC), revealing four egregious scandals in one article. As the research was thorough, the article was quite long. It was also a sub-section of a complex [series](#) on how US tort law firms are manipulating scientists and the regulatory research process. I have been advised to rewrite the content outside of the SlimeGate series vocabulary putting them into shorter articles. So the content of that exposé has been broken down into four separate scandals presented with clearer vocabulary and images.

IARC has a process for determining which monographs (studies) to produce and publish, based on advice from an Advisory Committee of external experts who establish a five-year priorities research program. Part one of this series will show that the then head of the IARC Monograph Program, Kurt Straif, not only did not follow the official process, he knowingly made decisions on which monographs to conduct based on the interests of US tort law firms who use the IARC assessments as (often the only) evidence in lucrative lawsuits against companies.

This exposé on benzene will show how Kurt Straif succumbed to pressure from American litigation consultants (scientists who are paid by law firms to provide evidence and testify in court) to hold a further (third) monograph working group meeting on benzene. IARC was complicit in producing a document, without justifiable scientific reason, for the sole purpose of having it serve as evidence in US lawsuits where it would otherwise be too difficult for tort lawyers to win cases worth hundreds of millions of dollars in fees.

In showing how the IARC monograph process is easily abused, this series serves as a backstory to the glyphosate affair, where parallels with US tort law firms can also be seen. We will see how the IARC monograph selection process was also manipulated with the last minute addition of glyphosate (a herbicide) to a meeting originally planned to discuss the hazards of a series of insecticides. The 18,400 lawsuits (as of August 2019) against Bayer claiming a suspected link between glyphosate exposure and non-Hodgkin lymphoma relies solely on that IARC monograph. That the IARC process had been corrupted by these same American tort law firms and their litigation consultants should not be overlooked or underestimated.

About Benzene

Benzene is everywhere in modern Western life. When you fill up your car fuel tank, you inhale fumes containing traces of benzene. It is found off-gassing from petrochemicals in everyday plastics, rubbers and paints. Benzene is present in soaps, pharmaceuticals, cosmetics, clothing and furniture. Some claim it is detectable in electronic cigarettes. But our exposure levels are at such low doses (and getting lower) to the point that our precise detection devices are straining to find significant exposure data.

Benzene has been linked to various forms of cancer, but at what dose and for what period of time? It is estimated there may be up to [238,000](#) people in the US having contracted cancers potentially from benzene occupational exposure. Outside of direct occupational exposure, the public is not at all at risk from low-level contacts with benzene (and compared to other daily exposures to common carcinogens, such fear-mongering about benzene is ridiculous ... thus many activists are doing so).

While it is nonsense to think the public should really be concerned, there are, however, a group of scientists (mostly statisticians and epidemiologists) who believe that any benzene exposure level, no matter how small, will cause cancer. They have made a profitable career out of lending their credibility to tort law firms seeking lucrative fees from lawsuits against benzene producers and users.

Note to journalists: *IARC monographs are hazard assessments. A hazard assessment does not consider exposure levels (what a risk assessment does) but merely draws a link between a substance and the potential for harm (at any exposure level however negligible). This explains why all other risk assessment agencies have declared glyphosate to not be carcinogenic. This also makes IARC documents ideal for US tort lawsuits where the level of scientific literacy on a jury is quite low.*

How to use a UN agency for personal profit

IARC, the International Agency for Research on Cancer, has produced three monographs declaring benzene a Group 1 carcinogen. This might seem like an excessive use of agency resources unless one considers the benefit IARC serves to US toxic tort litigators.

IARC's monographs on benzene (like many IARC monographs) have been beneficial as evidence for these tort lawsuits. The second IARC benzene report (Monograph 100F), however, failed to sufficiently link the substance to non-Hodgkin lymphoma (NHL). As the tort law firms were lining up large numbers of NHL victims that could be linked to benzene exposure (who hasn't at one time inhaled fumes from products containing benzene?), a link had to be determined.

Solution: IARC needed to go back and produce a further benzene monograph (for the pleasure of the American tort lawyers) that clearly linked benzene to NHL.

Scientists like Bernard Goldstein, Peter Infante and Martyn T Smith had all been acting as litigation consultants on benzene tort lawsuits for more than a decade. They make an average of \$500/hr providing research and expert testimony to tort law firms (with cases netting them anywhere between \$25,000 and \$200,000 prior to appeals). All three of them were involved in the 2009 IARC working group panel on benzene ([Monograph 100F](#)), and all of them have complained about the quality of IARC's work on this monograph. Infante published a [paper](#) in 2010 demanding that IARC reconduct their 2009 benzene monograph (100F). Straif and others from IARC [replied](#) that they had confidence in the quality of their work and would not reconsider the research.

Bending the IARC process

A more comprehensive IARC benzene monograph (clearly linking the substance to non-Hodgkin lymphoma) would translate into better lawsuit payouts. The law firms left the task of generating this “evidence link” to their litigation consultants (but as a large number of cancer plaintiffs were being lined up for lawsuits, time was of the essence). IARC needed to give them a document they could use in the courts.

This section is based on recent [FOIAed documents](#) that revealed some of the IARC actors’ conversations on the third benzene monograph decision.

Goldstein and Infante were tasked with pressuring the then head of the IARC monograph programme, Kurt Straif, to convene a third IARC panel on benzene, stating how this was essential as, without the totality of evidence linking benzene to non-Hodgkin lymphoma (NHL), it would be “harder for plaintiffs to successfully sue industry.”

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The main reason for a third benzene monograph? To “*successfully sue industry.*”

IARC’s apparent failure” (in Monograph 100F) “to use the totality of evidence related to benzene and NHL” (non-Hodgkin lymphoma) “makes it harder for plaintiff’s to successfully sue industry”. — Bernard Goldstein

Goldstein put it on the table: IARC needs to produce a further monograph directly linking NHL to benzene – otherwise the law firms he works for will not be able to easily win cases. Straif has been clearly informed of the reason why he should hold a further monograph (a third one) on benzene: “to successfully sue

industry.”

This is quite a revelation from an experienced scientist (who once worked as a director in Reagan’s White House). If scientists wanted to show a link between a chemical and a cancer, normally they would conduct a study and produce evidence published in a peer-reviewed article. Goldstein seems to have felt, however, that it is easier and far more efficient to get IARC to simply declare it in a hazard assessment-based monograph. He understands that most juries would not know the difference between actual scientific evidence and a hazard assessment concocted for the courts.

Even more troubling is how Goldstein seems to feel that the role of IARC is to produce documents for the purpose of having endless litigation in order to “put industry in a preventative mode.” Call me stupid, but I had always thought that was the role of the regulator to decide and not a group of scientists tied to law firms with a network in IARC.

Goldstein’s email continues, where he schools Straif on regulatory processes and prevention philosophies:

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For an assessment of how scientists like Goldstein prefer to use the courts (“adversary regulation”) rather than the democratic regulatory process, see this [article](#)

It is clear how the sole motivation for a further IARC benzene monograph was to help the tort law firms to sue industry on a greater scale. This message was sent to Straif in the tone of “calling in a favor.” Straif’s initial response was science-based – that the evidence to associate benzene with NHL was “less clear”

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When an IARC official has to remind a scientist that they only do hazard assessments and that the main meta-analysis did not find any evidence to clearly link NHL to benzene, then it is pretty safe to say there is no scientific support for a further monograph.

The cost of conducting IARC monographs is enormous. A large number of UN-scale director salaries are tied up for months; scientists are flown in (definitely not coach) and housed for more than a week. Sadly, these renown scientists and professors could be doing other, more valuable things with their time than participating in some ridiculous dog and pony show for a group of greedy American tort lawyers. Given that the research did not show any association with cancer, going through the process of a third monograph would be enormously stupid.

Goldstein though was not taking “No!” for an answer. He persisted.

So how would Straif reply to his friend? He has clearly been informed that the purpose of the request to re-conduct the benzene monograph a third time would be in order to help a number of US tort law firms Goldstein and Infante were consulting for to have a better chance at winning lawsuits against industry (“putting industry in a preventative mode”). But Straif also knew the official IARC process for monograph selection needs to be respected and there was no way to legitimately justify an further monograph.

IARC did “not plan to amend the Monograph or take any further action”

The year before, Straif clearly stated IARC had no intention to produce a further monograph on benzene (in reply to another litigation consultant [complaining](#) how difficult it was to successfully sue companies with the Monograph 100F IARC had produced). IARC even refuted all of the criticisms defending their benzene monograph in an [official release](#).

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In 2015, Kurt Straif was clear: IARC will not reconsider benzene!

IARC's Kurt Straif was having none of this. He knew the only purpose of an IARC benzene/NHL monograph was to provide US tort law firms with courtroom evidence. And besides, even if Kurt wanted to help his fellow colleagues from the [Collegium Ramazzini](#) make a few bob, he couldn't. The head of the monograph program had to respect proper internal IARC procedure. The 2014 IARC Advisory Group Priorities [Report](#) did not recommend a further benzene monograph in its priorities for the coming five years, case closed.

Given how much Straif has said in public about how much better IARC is than [the European Food Safety Authority or the German Federal Institute for Risk Assessment] in that they have rules and processes, it would be highly embarrassing for Kurt if he then flouted these rules to help out some friends profit from a potential litigation honeypot.

Persistence pays off

As IARC had no intention of doing a further monograph on benzene, the head of IARC's monograph program, Kurt Straif, needed some "persuasion." Goldstein and Infante prepared a poster on the links between NHL and benzene that they presented in front of 2000 scientists at the IARC 50th Anniversary conference in June, 2016. Straif was given the heads up how they were coming to Lyon to lobby hard for a further benzene monograph. Procedures can always change when opportunities are lucrative.

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The only talk of a further benzene monograph had come from Goldstein

No scientific civil servant with any integrity would let himself be pushed around by self-serving litigation consultants hunting for lucrative payouts ... or maybe not. Maybe Kurt could be persuaded in person at the IARC 50th anniversary conference!

So what did Straif decide? Well, something must have happened at that conference. Kurt kept saying "No!" ... until he said "Yes!"

In November 2016, IARC announces yet another week-long monograph working group on the carcinogenicity of benzene ... Ka-ching!

Preliminary List of Agents

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Meeting 120: Benzene
(10-17 October 2017)

Preliminary List of Agents

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Another victory for US tort law firms

The then head of the IARC monograph program, Kurt Straif, relented to the pressure from the litigation consultants and, acting outside of normal agency protocol, rushed through a third monograph on benzene with no point or purpose but to help his friends identify more lucrative lawsuit opportunities to lend their expertise. This is a clear benefit for American scientists within the IARC network who have been padding their pensions with legal service fees averaging \$500/hr.

The third benzene monograph was [published](#) last December and it drew the connections to NHL needed to US tort law firms to take their slew of benzene/NHL case to court. With a weak hazard assessment declaration from IARC, these law firms now have the means to extract hundreds of millions of dollars in legal fees (which they will share with their litigation consultants). Mission accomplished.

Straif violated the IARC process

The process for IARC's monograph program is to provide studies based on the recommendations of the [External Advisory Panel](#) (the one Kurt got his friend Chris Portier to chair ... another scandal). There was no recommendation in 2015 for yet another monograph on benzene. Portier himself was co-chairing the IARC Monograph 100F panel (on benzene) so if there were a legitimate need for a further monograph, he most certainly would have seen to it when he produced the priorities report.

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I contacted Kurt Straif in early autumn 2018 to get his response on the procedural oversight of holding a third benzene monograph, but he passed my messages over in silence. I suspect I am like Voldemort (he whose name cannot be spoken) to these ridiculously impervious and unaccountable civil servants. Straif knew what was going on with the tort bonanza and was party to it. The utter hypocrisy here is outrageous.

Worse, at the time of this change of heart (June 2016), Kurt Straif did not believe there was scientific evidence to support the association of NHL with benzene. But this, like most things going on in IARC today, was never about the science.

Worse yet, while commenting on glyphosate, Straif used his position as head of the IARC monograph program to further attack other agencies like EFSA and the BfR (who are conducting proper risk assessments) [suggesting](#) even how it was "worrying" how these other agencies were influenced by companies like Monsanto, all along while Kurt knowingly fed the multi-trillion dollar American tort industry beast with opportunity and bad science.

Straif retired just after the benzene monograph was published but he still works inside IARC as a consultant (participating in the 2019 Advisory Panel as part of the internal [IARC secretariat](#)).

But just when you think IARC could not fall deeper into the pit of disgrace, something else pops up to make even the most optimistic Risk-Monger shake his head. IARC, since the arrival of the new director, Elisabete Weiderpass, has been spending an enormous amount of energy changing ("updating") IARC published documents to hide IARC's known scientific integrity issues. That will be considered in Part 2 of this exposé.

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This piece originally ran at the Risk Monger as [The Corruption of IARC 1/4: IARC Monographs Produced for US Tort Law Firms](#) and has been republished here with permission.