

Viewpoint: Money grab — How the Environmental Working Group works hand-in-hand with tort lawyers to generate billion-dollar junk suits

On February 15th, the litigation outfit known as [Environmental Working Group](#), most famous for using public USDA data (although [excluding pesticides from the organic food companies which fund them](#)) to compile a ‘Dirty Dozen list’ of foods which contain pesticide residues (100 percent of them) but that is nonetheless reliably rewritten by allied journalists in progressive newspapers, [paid to publish a paper in the little known](#) *Journal of Exposure Science & Environmental Epidemiology* claiming that chlormequat chloride can “can reduce fertility and harm the developing fetus” even at homeopathic levels.

Claims using statistical correlation and artisanal studies specifically created to create lawsuits “at the drop of a rat” are predictable modern epidemiology, yet EWG published the paper and there were trial lawyers [filing in court so fast it is impossible that it was not created well in advance](#). Even more impossible than chlormequat harming babies [at any level](#) that doesn’t involve unethical labs [injecting tubes of it](#) directly into males and into the uterus of pregnant animals.

Follow the latest news and policy debates on sustainable agriculture, biomedicine, and other ‘disruptive’ innovations. Subscribe to our newsletter.

[SIGN UP](#)

Somehow, in a miracle of due diligence, just five days after the paper came out – three of which were a weekend and a federal holiday – Burson&Fisher, P.A. of Manhattan filed a class-action suit for a California person claiming, of all things, Quaker Old Fashioned Oats is harming humans. In two days they established they had a solid legal case and created even evidence to file.

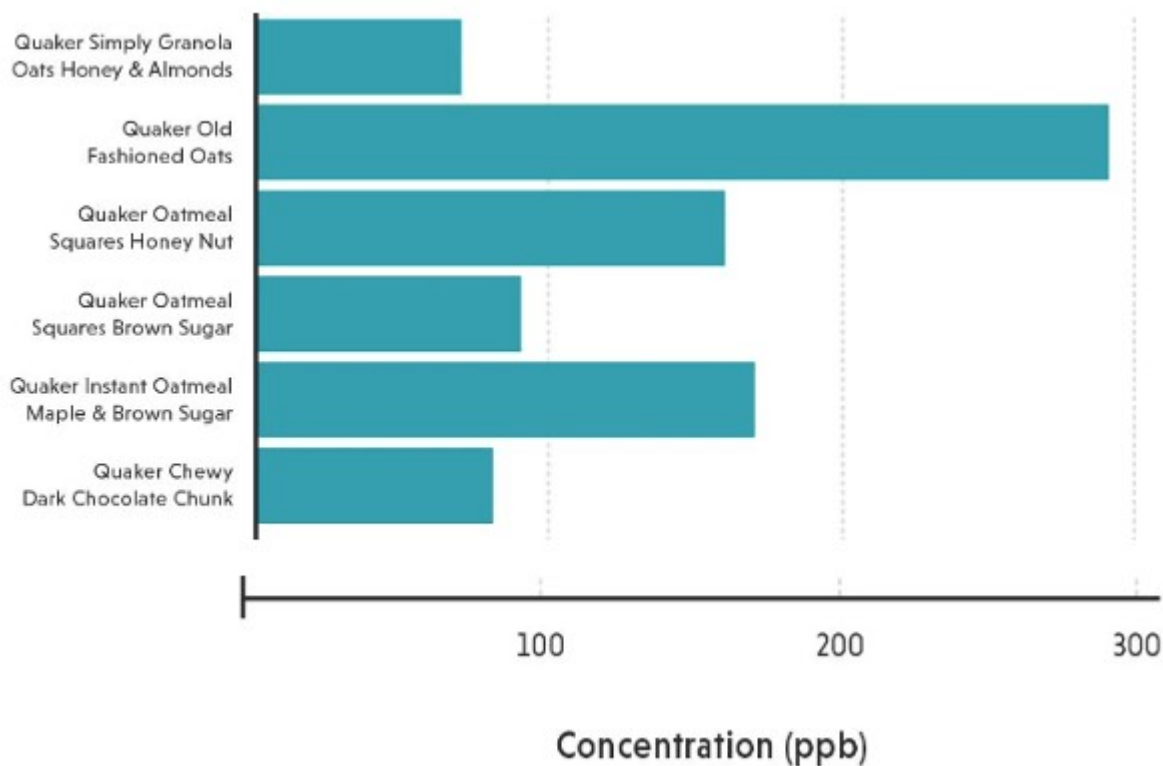
How is that even possible? Unless you are naïve, it isn’t. (1) It takes months to prepare such a case and [the Burson website](#) lauds its meticulous research and thorough fact-checking before filing a case.

Draw your own conclusions on how it happened so quickly.

We’re going to just outline the problems here, and save the real data for the amicus brief.

trial lawyers magic filing

1. EWG predetermined the outcome of the study they commissioned, by picking a target far below known safe levels and declaring their arbitrary level harmful despite any evidence.(2)



Do you believe you will be as rich as me if I win \$10,000,000 and give you \$3 of it? If so, you are the ideal juror in California or New York courts where EWG will ask you to help make their yacht payments. *Do it for the children.*

They claim *80 percent of people are at risk*. And suggest Big Capitalist Science won't let Evil EPA do anything about it – but a jury can *hit them where it hurts* in true populism style.

2. EWG had to pay to publish the paper. They paid to be in a publication that, despite being part of one of the largest media corporations in the world, can't even crack the top 1,000 journals. They're instead down with the *European Journal of Personality* and the *Korean Journal of Radiology*. Yes, there are more Korean radiologists reading their own journal than there are “environmental epidemiologists” reading the one place where EWG can convince someone in a business unit to accept their credit card.

3. A two-business-day turnaround from published paper to lawsuit suggests that the authors of the paper, employees of EWG, did not disclose their conflicts of interest.

4. No legitimate outlet was willing to risk their credibility covering this. It was in a press release, they paid to have that published by the phys.org press release service, but other than [the same Twitter bots who used to promote Russia Today and Sputnik claims about American science](#), and the *New York Post*, it went nowhere. The *New York Post* is the city's best sports outlet but they don't have any expertise in science, they just rewrite provocative press releases, and Quaker Oats 'linked to' birth defects is pure clickbait.

Despite the "analysis" being done by a British lab, the entire UK, the country behind the modern anti-vaccine and anti-GMO movements, only had 17 people put it on social media. Everyone else thought it was as crazy as diet soda causing cancer or EWG's previous claim that Crayola crayons might give kids mesothelioma due to "toxoc asbestos levels" – in crayons.

If you believe crayons have asbestos, you may believe Quaker Oats is giving children birth defects but since those have not gone up during the existence of chlormequat it is going to be a difficult case. Scientifically, at least.

Which means this may instead be another EWG "sue and settle" money grab.

Some 400 years ago peasants with barely any education knew that 'the dose makes the poison' but modern trial lawyers count on less scientifically literate juries, preferably in courts on the US coasts, who believe *any* dose is poison. Then they plea for action and get some supernatural award, since jury trials require no science.(3)

Notes:

(1) Yes, that has to be done in advance, which means EWG did not disclose their conflict of interest and the paper should be retracted. If the lawyers behind it don't like that allegation, I encourage them to sue me so our scientific bloodhounds get access to their emails in discovery. We'll even find them in the fake accounts you set up on Yahoo and only leave in Draft mode to write each other back and forth. Bet on it.

(2) We all understand how pointless economic homeopathy is, but California and New York juries will readily believe homeopathy is real when it comes to 'save the children' pleas by shakedown artists.

(3) Appeals courts do use science, which is why so many ridiculous jury awards, like ones which demanded a fortune because they wanted to believe a weedkiller can cause human harm, get reduced to peanuts on appeal.

Hank Campbell is founder of Science 2.0 and author of *Science Left Behind*. Follow Hank on X [@HankCampbell](#)

A version of this article was originally posted at [Science 2.0](#) and is reposted here with permission. Any reposting should credit both the GLP and original article. Find Science 2.0 on X [@science2_0](#)