

# A Failure of Ethics by McGill University

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**Asbestos Conference 2013**

**McGill University**

**October 1, 2013**

**Congratulations to  
McGill on holding  
this conference.**

# In my presentation I will address:

- How Prof. McDonald's research & his use of the research improperly served the interests of the asbestos industry and undermined public health policy.
- How McGill's handling of complaints regarding McDonald's research & conduct has not met the intellectual or ethical standards expected of McGill.
- What needs to be done now.

*Please note that all my remarks focus on actions and accountability for actions, not on motivations or persons.*

# Reasons why Prof. McDonald's research is still of concern

- 1) Prof. McDonald's research claimed that chrysotile asbestos is essentially "innocuous" and that, except at very high exposure levels, "adverse effects on health will not occur". He argued for continued use of chrysotile asbestos, saying it could be safely used.
- 2) Chrysotile asbestos represents 100% of the global asbestos trade.

\*THE 1891-1920 BIRTH COHORT OF QUEBEC CHRYSOTILE, MINERS AND MILLERS: DEVELOPMENT FROM 1904 AND MORTALITY TO 1992, F. D. K. Liddell, A. D. McDonald and J. C. McDonald, Ann Occup Hyg (1997); Dust Exposure and Lung Cancer in Quebec Chrysotile Miners and Millers, F.D.K. Liddell, A.D. McDonald & J.C. McDonald, AOH 1998. RE: Call for an International Ban on Asbestos, AJIM (2000), J.C.McDonald; testimony, J.C. McDonald, Brazil Parliamentary Commission, 1999; Asbestos Institute, press release to denounce EPA proposed asbestos ban, 1986; Exporting an Epidemic, Jim Morris, BBC, 2010.

# Reasons why Prof. McDonald's research is still of concern

- 3) The asbestos industry is targeting developing countries saying that chrysotile asbestos is “virtually innocuous” and can be “safely used”.
- 4) No country has succeeded in “safely using” chrysotile asbestos.
- 5) Safety protections are virtually non-existent in developing countries.

# Reasons why Prof. McDonald's research is still of concern

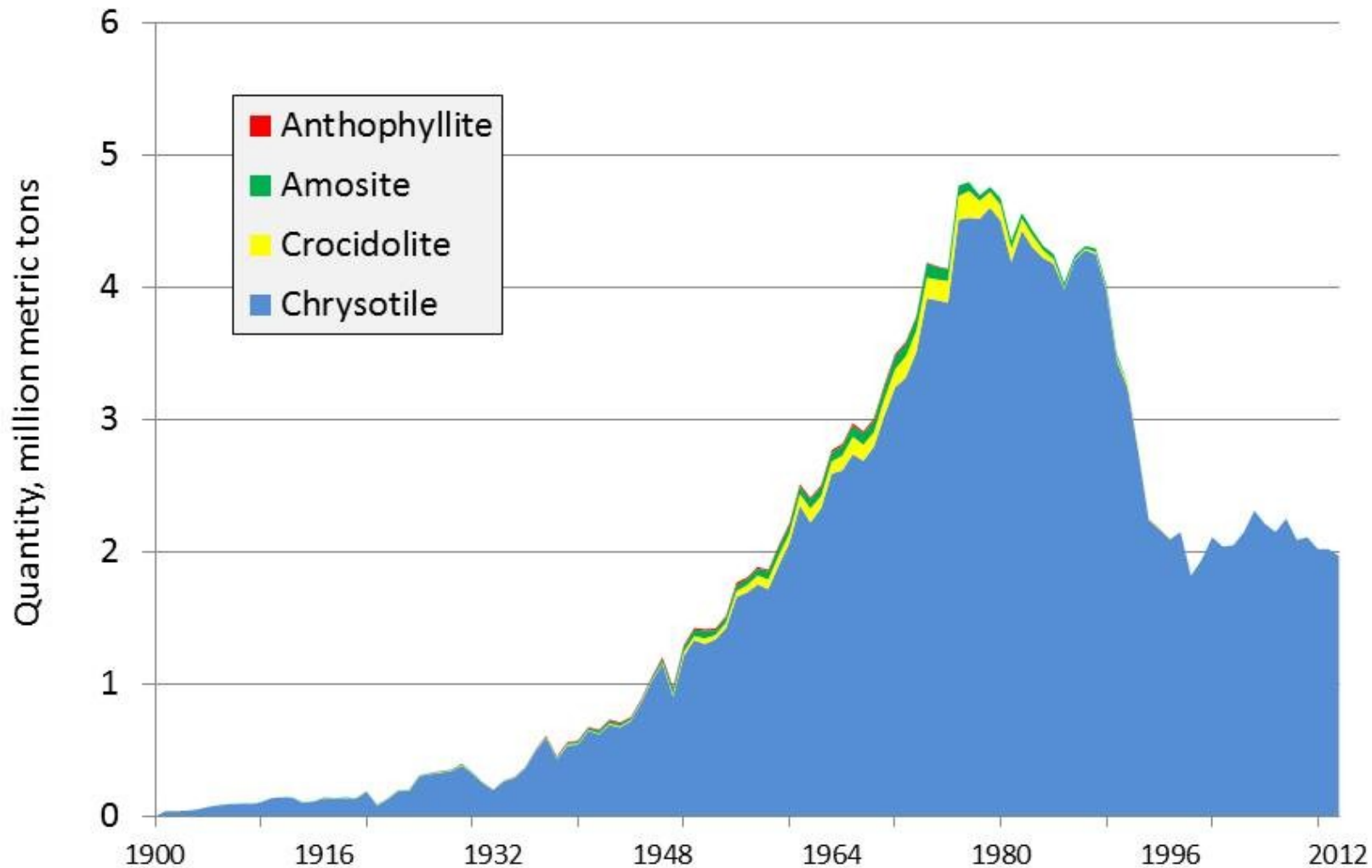
6) The asbestos industry continues today to use Prof. McDonald's research to promote sale of asbestos.\*

7) **The industry is succeeding: For the past 20 years, asbestos sales have stayed at around 2 million tons a year.\***

\*For example, *Health risk of chrysotile revisited*, Bernstein, Dunnigan et al. Crit Rev Toxicol, 2013. Study financed by the International Chrysotile Association & the Chrysotile Institute.

\*World Production of asbestos by type: 1900 to 2012, Virta, R, US Geological Survey

# World Production of asbestos by type: 1900 to 2012



# The asbestos industry wields economic & political power

- The asbestos industry wields economic & political power in countries involved in the asbestos trade, such as Russia, India, Thailand, Indonesia, and, until just a year ago, the asbestos industry controlled the asbestos policy of Quebec and Canada.
- Scientists and academics have a role to play to speak up against this ongoing corruption of public health policy, which causes unnecessary disease and deaths.



# How McGill Treats the Complaints regarding McDonald's Research is Important

- Corporate influence over universities is increasing.
- Ethical standards are particularly critical where there is an imbalance of power.
- When Prof. McDonald carried out his research, there was a vast imbalance in power between the Quebec Asbestos Mining Association (QAMA) and asbestos workers.
- Today there is a vast imbalance in power between workers in developing countries and the global asbestos industry.

*At stake is what standard McGill chooses to uphold to prevent improper corporate influence by any industry, whether Big Pharma, the chemical industry or the oil & gas industry.*

**While this conference  
is excellent, it is not a  
substitute for doing  
the right thing.**

# McGill Context

- McGill states that all research and scholarship at McGill should “seek to increase knowledge in ways that benefit society.”
- This means McGill accepts that we must look at the impact of research and scholarship in the real world.

# The Real World: Asbestos Industry Context

- The Quebec Asbestos Mining Association (QAMA) funded Prof. McDonald's research as an effort to assure the **industry's survival**.
- By 1968 QAMA had recognized that **it could and would no longer deny** that chrysotile asbestos causes asbestosis, cancer and mesothelioma.
- The industry's survival depended on the claim that other forms of asbestos were extremely hazardous, but **chrysotile asbestos could be "safely used" under "controlled conditions"**.

# The Real World: Asbestos Industry Context

- The industry was, however, determined to **block stricter controls over exposure levels for workers**, because this would cost them millions of dollars.
- In 1972, the standards were 2 fibres per cubic centimetre of air (2 f/cc) in the UK, 5 f/cc in the US, 10 f/cc in Quebec.
- The asbestos industry faced **opposition from independent scientists** who documented increasing evidence of asbestos-related diseases and **called for stricter safety standards**.

# The Real World:

## Context For Asbestos Workers

- In the 1970s, **workers** in Canada and the US were desperately **trying to get stricter regulations over worker exposure to asbestos.**
- In 1975 workers at Thetford Mines, Quebec went **on strike** for better safety protections.
- In 1977 workers at the Johns-Manville chrysotile asbestos mine in Newfoundland went on the **longest strike in Canadian history for stricter occupational health protections.**
- McDonald's research was used by the asbestos industry as a **powerful weapon to defeat workers' efforts** for stricter controls over their exposure to asbestos.

# QAMA Moved To Control The Science & Defeat Health Regulations

- In order to ensure continued use of chrysotile asbestos and prevent stricter controls over asbestos, QAMA set up its Institute of Occupational & Environmental Health (IOEH) in 1966.
- **The Institute's purpose was to be “independent of any other institution – university or governmental – so that its policy can be determined by the needs of the industry.”**
- **Board members of the Institute of Occupational and Environmental Health were:**
  - The Chairman of Canadian Johns-Manville Co., Limited
  - The President of Lake Asbestos of Quebec, Limited
  - The Executive Vice-President of Asbestos Corporation Limited
  - The Vice-President of Bell Asbestos Mines Limited

# Complaints Filed With McGill in 2002 & 2012

- Prof. Egilman made a complaint to McGill in 2002 alleging improprieties in Prof. McDonald's research. McGill perfunctorily dismissed his complaint.
- In 2012 a number of scientists around the world asked McGill to carry out an “independent, transparent and thorough” investigation of complaints alleging improprieties in McDonald’s research and asbestos industry influence.
- In February 2012, the Dean of Medicine asked the Chair of McGill’s Department of Epidemiology to carry out a review “to ensure that the research of Prof. McDonald was conducted according to the rigorous scientific standards for which McGill is known.”



# The process followed by McGill was fatally flawed

*The following are some examples of the flaws:*

## **1) Lack of independence**

The Chair of the Department of Epidemiology was asked by the Dean of Medicine to carry out a review regarding a former Chair of her department, who is a Professor Emeritus of her department.

The person assigned to carry out the review reported to the Dean in the academic chain of command.

## **2) Lack of transparency**

McGill refused to disclose the terms of reference of the review.

### **3) Biased and incorrect information put forward**

- Before the review even began, McGill made statements that served to exonerate and defend Prof. McDonald.
- The Dean of Medicine stated that he expected the review to find that the complaint had no merit.
- He said: “Prof. McDonald is widely considered a pioneer in the demonstration of the health hazards of asbestos.”
- He said: “Holding scientific views that are different from those of the majority does not constitute research misconduct.”
- The Principal of McGill said: “You remember, [this research] was done decades ago ... so it was done in a very different context.”

# McGill's Research Integrity Officer asked for advice

- The Chair of Epidemiology's report was not made public.
- In April 2012, the Dean of Medicine referred the report of the Chair of Epidemiology to McGill's Research Integrity Officer for advice, saying "the Faculty does not currently have all required records and data in hand to assess definitively in regard to research integrity."

# McGill's Research Integrity Officer finds nothing improper

- In September 2012, McGill's Research Integrity Officer issued a consultation report, in which he stated he had found no evidence of any improprieties and therefore did not recommend any further investigation. He suggested that McGill hold a conference on asbestos.
- The Dean of Medicine then dismissed the complaints. The conference is now being held.

# The report of McGill's Research Integrity Officer is fatally flawed

McGill stated that the report was rigorous.

- A small point, but the report frequently spelled the subject of the report's name incorrectly. This does not indicate rigour.

**But examples of far more serious flaws are the following:**

# 1) The report states: “debates continue to rage” over asbestos harm

The report sets out the asbestos issue in the following terms:

**“Asbestos is a complex substance with a thorny history”; “entangled questions”; “nothing in the arena of asbestos is simple”; “it is in this conflicted arena that the debates have evolved and continue to rage over fifty years and more”.**

# This statement is inaccurate and misleading and unworthy of McGill

- The history of the asbestos industry's subversion of science to promote doubt and denial of harm is crystal clear and has been repeatedly documented.\* Just like the tobacco industry, the asbestos industry has a shameful history of manufacturing doubt & deception.
- The consensus of the scientific community is overwhelmingly clear that all asbestos is harmful and use should stop.
- McGill's report does a grave disservice in promoting doubt and falsely stating that "debates continue to rage".**

•\*Defending the Indefensible, The Global Asbestos Industry & its Fight for Survival, McCulloch & Tweedale; Asbestos, Medical & Legal Aspects, Castleman, B; DOUBT IS THEIR PRODUCT, Michaels, D; Statement on Asbestos, Joint Policy Committee of the Societies of Epidemiology.

## **2) The report misleadingly states Prof. McDonald did his research at the request of the Canadian government**

- Documentation submitted to McGill showed that, in November 1964, McDonald wrote to Johns-Manville on a personal level, as an individual academic, requesting to carry out the research.
- QAMA approved Prof. McDonald's proposal specifically to avoid any government involvement in the research.



# **QAMA: “Industry is always well advised to look after its own problems.”**

- QAMA minutes of 1965 state:

“A first and unanimous recommendation was the carrying out of the epidemiological survey proposed by Dr. McDonald.

**The consensus of opinion seemed to point out that the QAMA should take into its hands the ways and means to conduct the necessary research instead of doing it through universities or letting it fall in the hands of the Government.**

**As an example, it was recalled that the tobacco industry launched its own program and it now knows where it stands. Industry is always well advised to look after its own problems.”**

**3) The report inaccurately states that Prof. McDonald made no attempt to hide the fact that his research was funded by the asbestos companies.**

**This is untrue.**

- In 1972, alongside asbestos industry executives, Prof. McDonald lobbied a US regulatory agency (OSHA) to reject proposed stricter exposure levels for workers.

- In testifying, Prof. McDonald stated:

**“I do not work, nor am I associated with any asbestos producer or manufacturer”.**

## 4) The report whitewashes the role of an industry front organisation

- McDonald claimed that the Institute of Occupational & Environmental Health (IOEH), which financed his research, was only indirectly connected to and financed by the Quebec Asbestos Mining Association (QAMA).
- McGill also takes this position.
- The IOEH was 100% financed, created and controlled by QAMA and was an industry front, like the Tobacco Institute.

# 5) Funds Provided to McGill from QAMA

- QAMA 1965 minutes state: “The practical application of the funds to the University (McGill) will be discussed between Dr. McDonald and Mr. Sabourin.”
- Mr. Sabourin, QAMA’s lawyer, was involved in illegally smuggling body parts of Quebec miners across the border to the US & in other improper activities to hide evidence of asbestos harm to the workers’ health.\*
- Hardly a person who supported honest scientific research. Hardly fit company for McGill.
- McDonald’s research provided the asbestos industry with a defense. In return, the one million dollars from QAMA helped build Prof. McDonald’s career and to create the Department of Epidemiology at McGill.

\*Deadly Secret, Mallinder, L, *Canada's History*, 2011; Chronology of Asbestos Cancer Discoveries: Experimental Studies of the Saranac Laboratory, Schepers, G, *AJIM*, 1995; Asbestos, Medical & Legal Aspects, Castleman, B;

## 6) The report wrongly states that Prof. McDonald was guarded in speaking of his research

- The McGill report states: When Prof. McDonald “compared his data to other groups who had used the more recently available method, **he was careful to state his assessments in guarded terms.**”
- **This is untrue. Prof. McDonald was dogmatic in dismissing the research of other scientists who used more reliable methods and whose research showed that chrysotile asbestos is not innocuous.**
- In 1998, the Canadian government, which financed the asbestos lobby and promoted the export of asbestos, took a case to the World Trade Organization to remove the right of other countries to ban chrysotile asbestos. Prof. McDonald was the scientific adviser for Canada in this shameful endeavour.

- At the WTO tribunal, Canada's spokesperson mocked independent scientific research, which showed that Quebec asbestos caused significant harm to health of textile workers in Charleston, Carolina:

**(Canada): “Charleston is wonderful for the jazz festival but I am not so sure it is very relevant for the issue before the tribunal.**

- Canada’s spokesperson then called on Prof. McDonald:
- “So Dr. McDonald would address the issue of what he thinks might be **a more appropriate paradigm or surrogate to examine the issue of risk exposures** in the use of chrysotile-cement. Thank you, Dr. McDonald.”

- **Prof. McDonald dismissed the Charleston study in trivializing terms as not worthy of consideration:**

**(McDonald)** “... those of us who have been trying to understand why the textiles are different conclude, I think, that **there is something funny about textiles...** So we are left with the fact that **Charleston is an anomaly.** ... but at levels below about 25 fibres per c.c. for forty years' work, we could not detect an increase in lung cancer.”

- Prof. McDonald claimed - in totally non-guarded terms – that his research was “by far the biggest scientific study of chrysotile workers” and the only research that deserved attention:

**(McDonald)** “**So we have one of the most complete pictures of mortality in chrysotile workers almost ... than you can imagine. There is nothing comparable.**”

## 7) Other scientists challenged Prof. McDonald for being imprudent & failing to heed the precautionary principle

- Dr. de Klerk: “We have a lot of evidence that (chrysotile asbestos) is dangerous and that we are not in a position to control that exposure. **So, to say that we should ignore evidence that it is dangerous, I think is imprudent at best.**”
- Dr. Henderson: “... **prudence** should lead us to take the position of maximal caution because we don't know that the extremely low risk of lung cancer found in the Quebec chrysotile miners and millers will be translated across other cohorts.”
- Dr. Henderson: “... when in doubt, or there are uncertainties or lack of observational data in comparison with cohorts, **one adopts a principle of "first do no harm" or when in doubt play it safe for the setting of national occupational health policy.**”
- WTO, ANNEX VI, Meeting with Experts – 17 January 2000, Transcript.



# **Prof. McDonald refused to heed their call for prudence**

**Prof. McDonald rejected these appeals, re-asserted that his research showed very modest risk of lung cancer, except at very high exposure levels, and adamantly argued in support of taking away the right of countries to ban chrysotile asbestos.**

# 8) The report demonstrates a double standard

- **The McGill report criticizes industry conduct:** “It is also clear that the industry attempted to misuse the research data to its own purposes in policy debates throughout the world and in setting standards for occupational exposures.”
- **The report is silent on documentation submitted to McGill which showed Prof. McDonald acting in exactly the same way.**
- Prof. McDonald misused his research data to influence policy debates throughout the world to the advantage of the asbestos industry.

# 9) Misusing the research data in policy debates

- Prof. McDonald used his research data in lobbying efforts to defeat stricter occupational safety controls and proposed bans on asbestos at OSHA hearings in the US, in Brazil, at the World Trade Organisation, at the World Health Organisation, at EPA hearings.
- In 1986, Professors McDonald and Liddell, identified as McGill professors, worked with the asbestos lobby organisation (the Asbestos Institute) in its successful campaign to defeat the US Environmental Protection Agency's proposed ban on asbestos.

# McGill professors & Asbestos Institute press release

- Ironically, in the Asbestos Institute's press release, the McGill professors criticized the EPA for:
  - **“questionable methodology”, “selected and biased evidence”, “flagrant lack of documentation”, “having too pessimistic an assessment of the risk posed by chrysotile asbestos”**
- In an indication of their extreme dedication to the asbestos industry, Professors McDonald & Liddell even put forward cost/benefit arguments, although having no expertise in the field of economics.



**L'INSTITUT DE L'AMIANTE  
THE ASBESTOS INSTITUTE**

**SCIENTIFIC COMMUNITY UNANIMOUS IN DENOUNCING  
THE BANNING OF ASBESTOS  
AS FORMULATED IN THE EPA'S PROPOSED RULES**

**Montreal, April 22, 1986**

**DRS. J.C. AND A.D. McDONALD THINK THE EPA'S PESSIMISTIC  
ASSESSMENT OF ASBESTOS-RELATED RISKS IS BASED ON  
EVIDENCE WHICH IS INCOMPLETE AND TAKEN OUT OF CONTEXT.**

Dr. J.C. McDonald teaches at  
McGill University's School of  
Occupational Health.

Dr. A.D. McDonald is with the  
Research Institute on  
Occupational Health and Safety  
of Montreal.

**PROFESSOR LIDDELL DEPLORES THE EPAS'S LACK  
OF SCIENTIFIC REFERENCES**

Dr. F.D.K. Liddell teaches in  
the Epidemiology and Biostatistics  
Department at McGill  
University.

# 10) Collusion with industry

F. J Solon, vice-president of public relations for Johns-Manville Asbestos, wrote a report\* of a 1973 meeting in the UK of top asbestos industry executives, attended by Prof. McDonald. The stated purpose of the meeting was to stop OSHA from adopting stricter asbestos regulations.

- The asbestos executives discussed how to prevent Dr. I. Selikoff, the leading asbestos researcher in the US, from obtaining data, referred to in a report by Turner Newall's medical doctor, which showed greater harm to health of asbestos workers than previously admitted. Selikoff wanted the data as evidence that supported the need for OSHA to adopt stricter asbestos regulations.
- The report relates how Prof. McDonald “was in full accord with our strategy” to keep the data hidden and thought the idea of refusing to give Selikoff the data was “excellent”.

\*REPORT OF TRIP TO UNITED KINGDOM, June 23 – July 1, 1973, F. J. Solon, Jr.

# McGill also suppressed this information

- McGill's Research Integrity Officer was repeatedly asked if McDonald's support for the industry's strategy of hiding the critical medical data from Selikoff and OSHA violated McGill's ethical standards.
- McGill's Research Integrity Officer declined to answer the question and omitted this evidence from his report.



## **11) The report states that Prof. McDonald's findings have been replicated by other scientists and proven robust**

- The McGill report states that Prof. McDonald's "findings and conclusions have been replicated by other groups and their robustness has endured many critical analyses and legal inquiries."
- **This is not true.**

# **The report is wrong**

**Not a single reputable scientific organisation in the world supports Prof. McDonald's findings that chrysotile asbestos is virtually innocuous.**

“When the McGill report says that McDonald's research was robust and has been replicated by other scientists, and there is much controversy in the world about the safety of chrysotile asbestos, **that's just patently wrong.**”

**No one, to my knowledge, has been able to replicate the findings other than if they were funded by the asbestos industry.”**

Dr. Colin Soskolne, Professor Emeritus of Epidemiology, University of Alberta's School of Public Health; past Chair, Canadian Society of Epidemiology & Biostatistics.

## **12) The report falsely states that Prof. McDonald helped end use of asbestos**

- The McGill report states that Prof. McDonald's research, and the research of others, "generated the information that led to the near complete disappearance of the asbestos industry in the developed world and the universal recognition of the toxicity of the product."

- This is the opposite of the truth.**

- Prof. McDonald's research continues today to be a major factor in denying the toxicity of chrysotile asbestos and promoting its continued use in developing countries.

# Call to action for McGill

- McGill's handling of the complaints regarding Prof. McDonald's work fails to meet intellectual or ethical standards expected of a university.
- The need to protect the independence and integrity of research is a critical issue of our times.
- McGill should become a leader in Canada to introduce an effective ethical review system that protects scientific integrity and the public good.
- McGill should also finally set up an independent, transparent and thorough investigation of McDonald's research and work, as it was asked to do.