

April 23, 1990

Peter Montague, Ph.D., Editor
Environmental Research Foundation
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Dear Dr. Montague:

In the March 7, 1990 issue of your newsletter "Rachel's Hazardous Waste News #171" you published several statements on the work that Zack and I had allegedly done in connection with the health effects of occupational dioxin exposure. Because I have retired from Monsanto I no longer keep track of such things, so it was not until the following month that I requested from you, and on April 16 received, a copy of the memo by Dr. Jenkins and the extract from the brief by Rex Carr on which your piece was apparently based. As it turned out, I did not need these items in order to write this letter, but knowing that you had not done your homework before publishing the March 7 issue I did not want to be guilty of the same sin.

Whether or not you misinform your readers is ordinarily a matter between you and them, but in this case you have repeated an accusation of fraud that you had better be able to prove. If Carr's brief had said that my methods were wrong or that my conclusions were in error, then by quoting it you would be citing someone's opinion, which is entirely proper. What you actually did was to print that "Zack and Gaffey deliberately and knowingly omitted 5 deaths from ---" which is quite another matter in my mind and that of an attorney with whom I discussed the issue.

In order to avoid litigation which could be both embarrassing and expensive, I suggest that you retract the allegation and also the false statements about what Zack and I did. The truth is as follows.

1. Zack and Gaffey never studied any aspect of the health risks of the people involved in the 1949 Monsanto accident and cleanup.
2. Zack and Gaffey never calculated any mortality rates for any workers exposed to dioxin or not exposed to dioxin at the Monsanto plant where the accident took place. (Or any other plant, for that matter.)

3. The brief by Carr assumed, either from ignorance or malice, that both of the above had in fact been done. Zack and Gaffey were never summoned to testify, and the Carr brief was exposed in subsequent trial testimony.

The first two statements can be verified by reading the paper by Zack and me which is listed as Reference 4 in the newsletter article. Since this paper is mentioned neither in Jenkins' memo nor in the extract from Carr's brief that allegedly accompanied it I am curious, to put it mildly, about where you found it. In any case either you read it and lied about its contents or you didn't bother to read it. I assume the latter, at least for the moment. (But who fed you the reference, and why?) The third statement can be verified from the trial record. I rather think that Mr. Carr has a copy, but I bet he wouldn't be happy to show it to people.

Mark Twain once said that a lie can go around the world seven times before truth can get its boots on, so in a sense the falsehoods you promulgated are permanent and cannot be taken back. However, a formal retraction, containing the three points I mentioned above, will enable me to respond in the future to charges based on your newsletter by saying that the charges were retracted.

I urge you to take no action until you show both the newsletter article and this letter to your attorney. This will improve your position, because if he tells you that I don't have a case and you subsequently lose the lawsuit, you may be able to recover your money by suing him.

I expect to hear from you in this matter by May 15.

Yours sincerely,

William R. Gaffey

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April 29, 1990

Dr. William R. Gaffey
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Dear Dr. Gaffey,

Thank you for your letter of April 23. I have read it carefully and am writing to you for clarification before I publish anything further about this matter. I certainly want to tell my readers, as accurately as I can, who is saying what about whom regarding dioxin exposures and subsequent occurrence of disease; it is certainly never my intention to misinform my readers, nor it is ever my intention to quote a person whom I know to be lying (except, of course, for the purpose of exposing that that person is lying, and never for the purpose of propagating misinformation).

I need clarification from you on several points raised by your letter of April 23.

1) Your first point is, "Zack and Gaffey never studied any aspect of the health risks of the people involved in the 1949 Monsanto accident and cleanup."

The report by "Judith A. Zack and William R. Gaffey," entitled "A Mortality Study of Workers Employed at the Monsanto Company Plant in Nitro, West Virginia," in Richard E. Tucker and others, editors, *Human and Environmental Risks of Chlorinated Dioxins and Related Compounds* (NY: Plenum Press, 1983), pgs. 575-591, does not seem to indicate that you screened out employees who were involved in the 1949 accident. In what sense did you "not study" the health of those involved in the 1949 accident? Are you saying that Mr. Carr is not referring to any of your work in his allegations? Or are you saying that he is not referring to this particular study? Or are you saying something else entirely, which I may be misunderstanding?

2) How do you reconcile the two following paragraphs, both of which contain quotations that I believe are from you and, to me, appear to be contradictory:

"Zack and Gaffey never calculated any mortality ratios for any workers exposed to dioxin or not exposed to dioxin at the Monsanto plant where the accident took place." (Quote from your letter of April 23 to me.)

And:

"It is interesting to compare the results of this study of Nitro workers potentially exposed to TCDD...." (From pg. 590 of the book edited by Richard E. Tucker and others [mentioned above]). As I

read it, the phrase "this study" refers to the study, appearing under your name, in the Tucker book. Are you denying that you were involved in the study published in the volume edited by Tucker? Or are you saying that Mr. Carr is not referring to this study in his allegations? Or are you saying something else, which I may be misunderstanding?

3) In your letter to me, you say that, "The Carr brief was exposed in subsequent trial testimony." What do you mean the brief was "exposed?" Can you send me pages from the trial transcript that contain the exposure you refer to? If you do not have access to the trial transcript, can you refer me to page numbers from the transcript so I can request photocopies from the court? If you do not have page numbers, can you tell me how I can identify, for purposes of framing a request to the court, the sections of the transcript that contain the "exposure" that you referred to in your letter? I take it you believe the transcript contains a refutation of Mr. Carr's claims and I would like to get copies of the relevant pages of the transcript so that I can better understand the bases for the various claims involved in this matter.

4) If you are sure that Mr. Carr was not referring to any of your work in his allegations that I quoted, whose work (if anyone's) do you believe he is referring to? Is it your belief that he simply made up the whole thing about fraudulent studies and that his claims are entirely baseless?

I am sure you can appreciate that it is a journalist's responsibility to report such unpleasant facts as that one person has accused other persons of scientific misdeeds in a matter that has great impact on public health and safety. I can only hope you will help me understand better the nature of the dispute(s) in this present matter. I assure you that, if I become convinced that Mr. Carr has misrepresented you or your work in the court documents I quoted in *Rachel's Hazardous Waste News* #171, I will tell my readers about it and set the record straight.

Sincerely yours,

Peter Montague