

day of synthetic fuel and still have enough for 25 years!

By then, we may be getting most of our energy from solar power.

THE MERITS OF COAL

There is nothing new in the idea of making liquid and gaseous fuels from coal. Until the natural gas pipeline was built in the 1940's, practically all the gas that was used on the East Coast—and as far west as St. Louis—came from coal.

The Germans cut off from oil in World War II ran their war machine on gasoline made from coal. And a formidable thing it was.

As early as 1952, the Paley Commission warned us that we were running out of oil and gas and that we'd need a synthetic fuels industry.

South Africa already is converting coal to oil and gas. They've invested more than \$1 billion in the process. As a percentage of their total income, that would compare with a \$44 billion investment on our part.

According to calculations in the Department of Energy, a given dollar investment in coal liquefaction will produce approximately four times the payoff in energy volume as an equivalent dollar investment in a nuclear plant.

For 15 years we have been building pilot plants on a penny-ante budget.

We haven't built commercial plants because the necessary investment is too massive to be undertaken by private investors without clear assurance that the government will stand behind them.

It cost perhaps \$1.5 billion to build a plant which could produce a high grade synthetic oil which could be sold for something like \$28 a barrel.

Who is going to invest that kind of money without some assurance that it wouldn't be a total loss if the Arabs, who control the market, should suddenly cut their prices back to, say \$15 a barrel?

The government, therefore, must make a decision—as we did in World War II when we were cut off from rubber—that it is in the national interest to build a synthetic fuels industry.

STIMULATE PRIVATE CAPITAL

We must make the commitment, and guarantee purchase of a given amount as a necessary stimulant to the investment of private capital.

It will take perhaps 5 years to bring the first plants on the line. It is a sound bet that, by that time, the world price of oil will have reached the price for which synthetics can be made.

Most of all, we need a sense of urgency. We need a national resolve to produce ourselves out of our difficulties.

There is no other way.

Above all, we must not despair of the ability of this nation and the American people, when once aroused, to face our problems and solve them.

Let me read you a passage from a report: "We find the existing situation to be so dangerous that unless corrective measures are taken immediately this country will face both a military and civilian collapse. (The crisis has come as result) of procrastinations, indecisious, conflict of authority, clashes of personalities, lack of understanding, delays . . . (and the) failure to build a greater stockpile of crude . . . The naked facts present a warning that dare not be ignored."

Does that strike a familiar chord?

That was the report of the Bernard Baruch Committee appointed by Franklin Roosevelt in 1942 to survey our efforts to create a synthetic rubber industry.

Three years after this report, the industry had been built, and the allies rolled into Germany on rubber made by that industry—whose base, incidentally, is petroleum.

The sleeping giant that is the American will, when once aroused, can triumph just as gloriously over our present crisis. I ask you to help me to awaken him.

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. BRADEMAS' remarks will appear hereafter in the Extensions of Remarks.]

OSHA: CANCER AND THE POLITICS OF FEAR

(Mr. HANSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN. Mr. Speaker, I have been informed that in the very near future the Occupational Safety and Health Administration (OSHA) may promulgate a regulation designed to control carcinogenic substances.

Should this regulation be adopted, it would be undoubtedly the most expensive Government edict in history. Capital costs for compliance have been estimated by the accounting firm of Booz, Hamilton & Allen to run as high as \$85 billion, and continuing annual costs as anywhere from \$15 to \$30 billion. By comparison, the American Enterprise Institute places the total cost of all existing Federal regulation at approximately \$66 billion a year. And, of course, if the regulation were to become the national standard for all other Federal agencies concerned about cancer—the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), the Consumer Product Safety Commission, the National Cancer Institute (NCI), and so forth—the cost easily runs into the hundreds of billions.

The OSHA cancer proposal leads into one of the most peculiar stories of our time—peculiar on at least two different levels. First, there is a serious scientific question concerning the validity of the standards OSHA is promoting. Second, there is the issue of how such dubious standards could be adopted by the Federal Government, despite the paucity of evidence in their behalf. One is a matter of scientific fact, the other a matter of politico-legal maneuvering. Both deserve the most exacting scrutiny—by the media, and by the Congress.

I feel that it is essential for Members of Congress to be aware of all the facts surrounding this issue, therefore, I offer for the Record a recent report by Michael J. Bennet, Jr., a former employee of OSHA. The article follows:

OSHA: CANCER AND THE POLITICS OF FEAR NEW CANCER REGULATION PLANNED

The Occupational Safety and Health Administration (OSHA) may soon promulgate a regulation designed to protect American workers from contracting that most dreaded of diseases—cancer.

The regulation, which could become the national standard for all Federal agencies controlling carcinogens—cancer causing agents—in the total environment, would classify all chemical substances into four categories. Those substances which show some evidence in laboratory tests of being

carcinogenic in humans or in two or more animal tests—essentially the Delaney Clause requirement to the 1958 Food and Drug Act—would immediately be clamped under tight control in Category 1. Worker exposures would be limited to the lowest possible levels, and medical surveillance and exposure tests would be required.

Substances would be lumped into this Category 1, on an emergency basis, without any attempt to interpret or analyze the quality of the research concluding the substance is carcinogenic. Presumably, these substances could later be given individual review and found innocent; until then, they are to be presumed guilty, and barred.

Substances for which evidence of carcinogenicity is merely "suggestive" would go into Category 2. Medical surveillance and exposure monitoring would be required, but any existing exposure limit would not have to be revised to an immediately lower level. Those substances which show no evidence of being carcinogenic would go into Category 3; the only specific substance in this category listed so far is "water." The final category, 4, would be reserved for substances not used in American workplaces, be they carcinogenic or not.

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ISUE IS BOTH SCIENTIFIC AND POLITICAL

The OSHA cancer proposal leads into one of the most peculiar stories of our time—peculiar on at least two different levels. First, there is a serious scientific question concerning the validity of the standards OSHA is promoting. Second, there is the issue of how such dubious standards could be adopted by the federal government, despite the paucity of evidence in their behalf. One is a matter of politico-legal maneuvering. Both deserve the most exacting scrutiny—by the media, and by the Congress.

Under the OSHA formula, a substance would, in effect, be presumed guilty until and unless subsequent hearings proved it innocent of carcinogenic effect. And as William Butler of the Environmental Defense Fund contends: "You can't prove a negative. You can't say something doesn't exist because there's always a chance that it does but nobody has seen it. Therefore, you can't say something doesn't cause cancer because there's always the chance that it does cause cancer but it hasn't shown up yet. You can't prove a negative statement." And you can't prove dragons don't exist, he agreed.

By that standard, you would have to regard penicillin as a potential carcinogen were it newly introduced in the environment, or insulin or all of the many steroids and antibiotics which have done so much to preserve and extend life over the past 30 to 40 years.

Representative James Martin of North Carolina is the only member of Congress who holds a doctor's degree in chemistry. He was the primary leader in the Congressional revolt which made the Food and Drug Administration back off on plans to ban saccharin under the provisions of the Delaney Clause. Now, that the National Academy of

Sciences his recommended carcinogens be classified with regard for potency into "high," "medium," and "low" categories, he can be expected to be a leader in that battle as well. He issued a warning to OSHA at its hearings on the cancer policy in Washington in the spring and summer of 1978: incidentally, OSHA, which meticulously sought opinions on modifying its "nuisance standards" in cities all across the country, made no effort to solicit opinions on the infinitely more serious problem of cancer from outside the District of Columbia.

DESERVING RIDICULE

Martin urged the agency to develop a carcinogen control policy on rational, reasonable grounds, based on scientific principles rather than regulatory conjecture. If OSHA sets out "to ban or economically cripple products whose risk is comparable to saccharin..." Martin argued, "you will not thereby reduce the statistical incidence of cancer, you will divert and dilute attention that should be focused on serious carcinogens, you will confound and confuse the public, and you will deserve the ridicule you will receive. That would be a tragic parody of the responsibility you ought to exercise."

OSHA has apparently refused to heed that warning, and instead, has chosen to exploit fear, that stark, unreasoning fear which Franklin Roosevelt spoke of in another context: "The only thing we have to fear is fear itself."

This approach is coming under increasing attack within the scientific community, by individuals, the National Academy of Sciences and the American Council on Science and Health, composed of such distinguished scientists as Norman Borlaug, winner of the Nobel Prize for the "Green Revolution," Dr. Frederick Stare, former head of the Harvard School of Public Health, and Dr. Philip Cole of Harvard and the International Agency for Research on Cancer. The council recently issued a pamphlet entitled, "Cancer in the United States: Is There an Epidemic?" The pamphlet contends:

"Basic statistics about how often cancer strikes and who it affects have frequently been distorted, and basic scientific knowledge about the causes of cancer overlooked. Ironically, the overall cancer rate in the United States has been declining since 1947. The only form of cancer which has increased significantly is lung cancer—mostly attributable to cigarette smoking."

Yet, the council argues people have been persuaded cancer is somehow "the fatal flaw within modern society, the grim shadow at the feet of technology, lurking in the food we eat, the water we drink, the chemicals we work with, the very air we breathe."

The mistaken premise on which the cancer scare is based apparently originated with a simple statement of fact by the director of the International Agency on Cancer, a World Health organization. The statement was that 70 to 80 percent of all cancer is environmentally related. The word "environment" was meant to include cultural factors such as cigarette smoking, overeating—an excess rate of stomach cancer in Africa, for example, is attributed to too much consumption of peanut products—and other aspects of personal lifestyle. The most common site of cancerous development is the skin, due to over-exposure to the sun, a problem not too often faced by workers in factories, mines, even shipyards.

Nonetheless, the statistic was picked up in its distorted form and repeated often enough, over and over again, so that it became, in the words of the council, one of those statements "that just won't go away."

According to Dr. Michael Halberstam, editor of Modern Medicine, in a recent article for The Washington Post, it has taken such a tenacious hold on the mind of the

popular press—if not the public—as to have achieved comparable status in folklore as the belief that aspirin, combined with Coca-Cola, will incite intense lasciviousness in the most reserved of young ladies.

OCCUPATIONAL CAUSES INSIGNIFICANT

Yet the International Agency for Research on Cancer estimates that only one to five percent of cancer around the world can be attributed to occupational diseases; illnesses such as mesothelioma, a cancer of the chest or abdominal cavity occurring with abnormal frequency in people with long term exposure to asbestos.

Indeed, a recent effort by the Department of Health, Education, and Welfare to up the percentage of occupationally related cancer to 20 percent of the total was ridiculed by The Lancet, the official publication of the British Medical Society, and described in these words in Science, the official publication of the American Association for the Advancement of Science.

"These estimates are clearly inflated. In each case, the investigators have taken the highest risk ratios available—ratios obtained from workers exposed to massive concentrations of the carcinogens—and multiplied that by the total number of workers who might have been exposed to the carcinogen, even though most of the workers had never been exposed to the concentrations on which the risk ratios were based. In a similar analogy, one might find that the risk of a driver dying in an automobile crash is one in ten if the automobile is consistently driven in excess of 120 miles per hour, and there are currently 100 million automobiles on American highways. Using the logic of the government report, one would conclude that there will be 10 million excess deaths as a result of driving at high speeds."

Science also took a close look at the figures cited on shipyard asbestos workers in World War II, the group most regularly referred to in articles with titles like, "Is Your Job Dangerous to Your Health?" Some four million of these shipyard workers were heavily exposed to asbestos during World War II. The HEW investigators predict about 1.6 million are expected to die of asbestos-related causes—enough to account for 13 to 18 percent of all the cancer deaths in the United States.

Yet only 1,000 cases of mesothelioma are reported annually—not the 7,000 that would be expected if the prediction is to become true. And at that rate, every worker should be dead by now. Instead, 40 percent are still alive.

"Severe deficiencies (exist) in the original report and necessitate the conclusion that its predictions are invalid," the Science article concludes.

CANCER DEATHS DECLINING

Indeed, HEW Secretary Joseph Califano has told the American Cancer Society there is mounting evidence that cancer is being brought under control:

"Cancer mortality rates, particularly the kinds that affect children and young adults, have declined. Acute leukemia in children, cancers of the bone and kidney in children, Hodgkin's disease and other lymphomas are now controllable, often to the point of cure. Each of these triumphs has come about through knowledge or the better application of knowledge. As a result, the cancer death rates for all groups under 35 is actually declining; for the 35 to 39 age group it is holding steady. Only above the age of 65 does the rate continue to rise, and there only slightly."

From a life expectancy of less than 50 not more than a century ago, in 1977 the life expectancy at birth rose to 73.2 years of life, according to recently released figures of the House Select Committee on Population. Moreover, the nation's death rate in 1977, at 8.8 per 100,000 of population, was the lowest annual rate ever recorded. And 8.9 was the figure the year before. Indeed, according to

the Wall Street Journal, "the recent gains have already upset some projections: In 1978, the number of people aged 65 and over was 4.1 percent higher than had been expected five years earlier."

The main reason we have to worry about cancer is because of the advances made in conquering the truly random killers, infectious and degenerative diseases:

Death rates, U.S. Public Health Service
(Per 100,000 population)

	1940	1960
Tuberculosis	43.9	5.4
Rheumatic fever	22.1	9.6
Influenza/pneumonia	70.2	28.0
Appendicitis	8.9	0.9
Hernia/intestinal obstruction	9.0	8.9
Diabetes	28.6	5.4

Some scourges of the past are now so rare only fragmentary records are kept on smallpox, diphtheria, malaria, etc. The only death rate causes which show a peaking in youth and early middle age rather than old age are, not unexpectedly, suicide, up from 10.6 in 1940 to 14.3 in 1960 and homicide, from 5.2 to 6.3; all easily explainable by a greater proportion of the young in the population.

NATURAL PROBLEMS OF AGING

Every disease now listed by the Public Health Service is primarily a disease of old age. Aging and swelling as people reach the critical expectation of three score and ten, and declining as the population of the elderly declines. And thanks to the conquest of diseases such as polio, tuberculosis, pneumonia, even diabetes, many more people are reaching that age, ultimately to die of cancer or heart disease.

A chart from the Public Health Service shows, quite clearly, that both of these afflictions kill approximately the same number of people in the early and middle stages of life, until at age 40-44, the heart disease rate begins to climb until it doubles the cancer rate at 65-69, triples it at 75-79, quadruples it at 80-84 and quintuples it at 85-89.

Deaths from cancer and cardiovascular disease—1975

	Cancer	Cardiovascular disease
Age:		
Under 1	129	814
1	131	146
2	167	87
3	197	53
4	216	53
Under 5	840	1,182
5-9	929	232
10-14	878	344
15-19	1,257	716
20-24	1,442	1,025
25-29	1,913	1,502
30-34	2,670	2,625
35-39	4,113	4,981
40-44	7,949	10,568
45-49	16,086	20,608
50-54	27,100	37,609
55-59	37,135	55,227
60-64	48,019	80,054
65-69	64,279	107,315
70-74	83,525	130,834
75-79	106,161	151,385
80-84	135,126	169,221
85-89	18,977	122,711
90-94	6,160	62,266
95-100	1,176	17,388
100+	140	5,075
Total	865,658	917,047

And yet, no one has ever disputed that heart disease is primarily a disease of aging,

at the heart, arteries and veins weaken and harden. It seems not unreasonable to assume cancer develops in the tissues of the elderly as they, too, age and the body's defense mechanisms weaken.

"The public should be aware of a fact that is common knowledge among gerontologists," Dr. Herman Blumenthal, research professor of gerontology (aging) at Washington University, St. Louis, Missouri, wrote in the September, 1978 *Harpers*. "The eradication of cancer would add only one to two years to human life expectancy, as opposed to about 10 years for all forms of arteriosclerosis. The potential gain in life expectancy if the rate of aging could be slowed—and the possible influence of such a strategy on the frequency of cancer, arteriosclerosis and other diseases of aging—has not received serious consideration. For every \$2 we spend on cancer research, only about 3 cents furthers research on aging."

CANCER EPIDEMIC A MYTH

In other words, the proposed OSHA standards on cancer are a wholly inaccurate response to a totally misstated problem. There is no cancer "epidemic" in the United States; there is no evidence that the cancer we do have is caused by general environmental influences; and there is therefore no reason to suppose that OSHA's attempt to clamp controls on anything and everything in the environment—on the grounds that we don't know it doesn't cause cancer—will affect the authentic cancer problem in any way whatsoever.

SOURCES OF THE MYTH

If all this is the case, how did the proposed cancer policy of OSHA get this close to becoming actual regulation?

For one thing, the environmental movement has enjoyed a certain moral ascendancy over recent years, and become a rich mine of quotes, pictures and stories for the press—yellow journalism for the upper middle class. Fumes from smokestacks, oil spills on pristine bays, workers in hardhats make far more dramatic TV images than people eating and drinking and smoking—probably the principal causes of most forms of cancer.

And at least in the beginning, many of the crusades directed against abuse of the environment and the workplace had merit. But along the way, the movement picked up its own constituents, the lawyers, the lobbyists, the "advocacy" scientists, the publicists, all of whom wanted to do good and often did well in the process. Unfortunately, soldiers in civilian crusades don't have the same incentive to pack up and go home when the battle's over. The battlefield of environmental this has its own enticements.

Moreover, few scientists were willing to take public issue with the environmentalists—and the government, fount of almost all research funds. And, as a partial consequence, few critical studies of the assumptions and presumptions behind the movement appeared in the press.

INDUSTRY SILENT

In addition, until the movement of the OSHA cancer policy—as the new spearhead and battering ram of the environmental movement—industry had also failed to take any unified action. And it did so only with the formation of an organization called the American Industrial Health Council, an ad hoc coalition of companies and trade associations formed essentially to pool the costs of legal matters ticking all the way to the Supreme Court.

On top of that, the cancer hearing took place exclusively in Washington with little or no public attention and less media scrutiny. And an OSHA public relations campaign of eliminating "Mickey Mouse" regulations had scored with the newspapers, and TV, diverting concern away from the hearing.

Most important of all in bringing about adoption of the standards, however, has been the little-noted interaction of legal-minded environmentalists, in and around the federal government, working by circuitous means to tilt official policy in the direction of crippling regulation.

LAWYERS MASTERMINDING POLICY

The two principal architects of the OSHA cancer policy are not scientists but lawyers: Anson M. Keller, special assistant for regulatory affairs at OSHA, and Anthony C. (John) Kolojeski, president of Clement Associates, a Georgetown consulting firm. Both men are virtually unknown outside of a small circle of associates and colleagues; neither has testified before Congressional committees; both have assiduously avoided publicity; yet together they may yet exercise more influence over the environment, the working conditions, the economy and the health of America than all the fabled names of Washington, from Nader to Meany and Kennedy to Carter. The manner in which they have exerted this influence is one of the great untold stories of contemporary politics.

The work of Keller and Kolojeski has been publicly recognized as yet only in *The Politics of Cancer*, a book by Dr. Samuel Epstein, the scientist generally credited as being the grey eminence of the environmental movement. *The Politics of Cancer* was described in a Washington Post review as "a compendium of all the information on the 'environmental' causes of cancer that is probably going to serve as a Bible for the forthcoming effort . . . to drive all carcinogenic materials from the workplace and the world."

Dr. Epstein pays due credit to Keller and Kolojeski in *The Politics of Cancer* for the early work they did in establishing the principles on which the OSHA cancer policy rests. That work was done back in 1973-75 at the Environmental Protection Agency (EPA) in proceedings calling for the banning of the pesticides, aldrin-dieldrin.

"The (EPA) litigation team," Epstein observes, "was headed by Anson Keller and Anthony Kolojeski of the Office of General Counsel. This team started work in virtual isolation, as the Office of Pesticide Programs, where the supposed scientific expertise on pesticides was located, was, and still is, highly sympathetic to agricultural interests, quite apart from resenting the Office of General Counsel's policy-making trends and ease of access to the administrator. . . . The Office of the General Counsel was staffed by young, environment-minded lawyers. The bitter schism which developed, known as the 'scientists vs. the lawyers' largely reflected the fundamental political ambivalence between environmental activism and traditional pro-industry conservatism."

DISSENT SCIENTISTS CONSULTED

To Dr. Epstein any scientific evidence adduced by any scientist who has ever worked for or been retained by private industry is inherently flawed and unworthy of consideration. Apparently Keller, Kolojeski and the EPA Office of General Counsel, felt the same way, and given the "failure" of the scientific experts in the Office of Pesticide Programs at EPA "to provide scientific assistance in the proceedings, opened the door . . . to go outside the agency." "This however," as Dr. Epstein noted, turned out "not to be so easy. Most university agricultural economists and entomologists receive research support from industry and were unwilling to help the government position. The majority of experts on toxicology and carcinogenesis who were approached were either in a similar position or unwilling to take the time to help. The government case had then to rest on the efforts of the small litigation team and a handful of independent outside scientists"—among them, Dr. Epstein.

The "handful of independent outside scientists" Dr. Epstein refers to are among those who believe cancer is primarily caused by environmental conditions, from chemicals in the food we eat, the water we drink, the air we breathe. Another school of scientists, larger in numbers but with considerably less impact on the instruments of mass communications, believes cancer is essentially a disease of aging, precipitated by smoking, drinking, and eating habits, and possibly predetermined, to some extent, by genetic traits.

LEGAL MANDATES CITED

But although the scientists may debate, the law is still the law, now as when the Inquisition decreed Galileo was guilty of heresy in declaring the earth revolved around the sun. The current law of this land today on cancer is the Delaney Clause of the Food and Drug Act of 1958, the very clause invoked by the Food and Drug Administration in its thus far unsuccessful attempt to ban saccharin.

Keller and Kolojeski, however, were quite successful in using the Delaney Clause argument to ban aldrin/dieldrin in their brief before the EPA administrator.

"Foremost of the regulatory amendments in its offer of informed guidance," they said, "is the Delaney Clause. In effect since 1958, this statutory prohibition constitutes the judgment of Congress that the addition of any amount of carcinogenic chemical to the food supply, regardless of its purpose or value, is hazardous to public safety, and that a chemical which is carcinogenic in laboratory species constitutes an unacceptable risk of causing cancer in man if present in the food supply, i.e., additives to the food supply which are carcinogenic in laboratory animals must, perforce, be assumed carcinogenic in man."

On the face of it back in 1974-75, the argument made some sense. In the particular case of aldrin-dieldrin, the substance could be considered a food additive since it could be found pervasively in the food chain. However, there are several problems with the argument. For one, substances that produce tumors in animals, eggs and lactose, for example, do not seem to affect people. And by the same token, arsenic and benzene, which definitely do not cause cancer in animals, most assuredly do cause cancer in people.

Moreover, the cancer risk to workers does not come from a pervasive element in the food chain. It does not come from direct ingestion through drinking and eating but through the skin and breathing passages with their own highly sensitive and complex defense mechanisms. It is not an ever present danger, but one encountered eight hours at a time, over a working rather than an actual lifetime, and with the aid of protective controls.

LEGAL CHANGE RECOMMENDED

Indeed, the National Academy of Sciences has recently, after a year-long study, recommended to Congress that the Delaney Clause be amended to reflect the reality of relative exposures to known or suspected carcinogens, "high," "medium," and "low."

Unfortunately, facts often have a hard time catching up with perceptions, and legal precedents are often impervious to reality for many a year. In any event, a legal precedent for the presumed control of cancer had been established by Keller and Kolojeski in the case of aldrin/dieldrin.

THE KELLER-KOLOJESKI SHUTTLE

Not much later, the two lawyers were to leave EPA. Keller to go to OSHA and Kolojeski to form his own firm, Clement Associates. Over at OSHA, Keller, as special assistant for regulatory affairs, was assigned, in Dr. Epstein's words, "top priority to promulgating generic standards for occupational carcinogens . . . While determination of carcinogenicity in these proposals is generic, as

in the Delaney Amendment, subsequent rulemaking is, however, individualized."

Dr. Epstein did not mention that Kolojeski would be providing assistance to Keller both in the formulation of generic standards as well as in the subsequent rulemaking on individual substances through the magic of federal contracting.

The new relationship between Keller and Kolojeski did receive some public attention in a Wall Street Journal article published on October 11, 1978:

"WASHINGTON.—A peculiar question hovers over the Occupational Safety and Health Administration's effort to produce a sweeping new policy for regulating cancer-causing substances at places of work. The question: When OSHA sponsored a long series of cancer-policy hearings last summer, were OSHA officials there to hear the testimony?"

"OSHA officials insist they were. In fact, they add, the hearings were taken so seriously at the agency that officials at one point found it necessary to admonish Eula Bingham, the agency's director, to stop spending so much time listening to testimony to the exclusion of other pressing problems. Meanwhile, many of Mrs. Bingham's top hands stuck around throughout the proceedings, the agency says."

"But other government officials, who say they sat through the entire 10 weeks of testimony, insist that OSHA policymakers were absent during much of the hearings. Labor Department lawyers were there, they say, and OSHA officials dropped by from time to time. But generally, they insist, the hearings were dominated by executives of an outside consulting firm called Clement Associates, Inc.; that firm had been retained by OSHA to provide scientific expertise in evaluating testimony, finding expert witnesses and determining which substances should be regulated under the proposed cancer policy."

"Many observers in Congress and industry believe OSHA's recent cancer hearings reveal a certain scientific closed-mindedness at the agency. They point particularly to the role of Clement Associates, which performed much of the work that normally would have been performed by officials of the National Institute of Occupational Safety and Health (NIOSH)."

"Some NIOSH officials feel that OSHA, departing sharply from past practice, purposely excluded the institute from the process of shaping the cancer proposal. NIOSH officials weren't invited to testify at last summer's hearings, and they couldn't even get copies of the proposal until just before it was released publicly, they complain. "NIOSH was completely bypassed," says the institute's deputy director, Edward Balser. "To what purpose, for what reason, I can't say."

"OSHA officials dismiss the complaint as coming from an agency that lacks high-caliber scientists and bends too easily with the political winds. They also dispute the notion that NIOSH strongly influenced the agency's regulatory actions in the past. But others view things differently, concluding that NIOSH was bypassed because OSHA officials didn't want to deal with an agency not always in sympathy with OSHA's regulatory outlook."

"According to this view, OSHA sought the assistance of a more sympathetic organization, Clement Associates. OSHA's critics bolster their case by pointing out that the agency's top lawyer in the cancer-policy area, Anson Keller, once worked closely at the Environmental Protection Agency with Clement's president, Anthony C. Kolojeski. At the EPA, the two pressed for many of the same policies that are now incorporated into OSHA's anticancer proposal."

The Wall Street Journal article did not go deeper into the relationship between Keller and Kolojeski. Had it done so, some inter-

esting questions of inter-actual and contractual propriety might have been raised.

OSHA-CLEMENT SWITZERLAND DEAL

In October of 1976, a non-competitive purchase for a grand total of \$10,000 payable at the rate of \$15 an hour, was let to Clement Associates by OSHA. The OSHA contract was Anson Keller. Such contracts are normally let to purchase office supplies or the services of writers and artists to prepare annual reports, pamphlets, brochures, etc. They are not customarily let to develop social policies affecting millions of Americans. This contract for \$10,000, however, was to develop "Alternative Carcinogen Regulation," even though NIOSH, the agency created by Congress to develop such policies for OSHA, had seen its carcinogenesis budget increase from \$1.8 million in 1975 to \$6.9 million in 1976, reaching \$10.7 million in 1977.

But for a mere \$10,000, Clement Associates was presumably prepared to do the following:

Scope of Work:

The contractor shall examine and furnish alternative approaches and policies for the regulation of carcinogens; and shall examine OSHA regulations and proposed regulations for carcinogens, providing recommendations for improvements in or alternatives to OSHA initiatives.

Statement of Work:

The contractor shall provide highly qualified professional staff with appropriate background to deal with the following tasks:

A. Survey existing federal regulations and policies for carcinogenic, mutagenic or teratogenic substances. Provide comparative analysis of regulations and policies and prepare a critical evaluation of effectiveness and problems of both implementation and enforcement of other federal regulations.

B. Develop prototype regulations for controlling employee exposure to carcinogens found in the occupational environment.

C. Provide position papers on defining carcinogenic agents and on OSHA regulatory policy for those substances found to pose a carcinogenic risk.

All of that—for a mere \$10,000—seems like a solid investment in the health and safety of the American workers. Unfortunately, we will never know what that \$10,000 bought.

NO REPORT EVER ISSUED

"No formal reports were asked of Mr. Kolojeski," David G. Zeigler, director of administrative programs for OSHA, wrote on November 3, 1978, in response to a freedom of information request. "As a matter of expediency, the input to the agency was in the form of briefings or discussions or issues, handwritten or typed opinions and summaries of data available on subjects assigned by OSHA for investigation, and 'mark-up' of draft documents prepared by OSHA. The documents were used, in general, as source documents for OSHA staff, and as appropriate, some sections of these documents were incorporated in early drafts of the proposed cancer policy. These early drafts were continually reviewed and revised by OSHA staff, and, in January, 1977, a preliminary draft was publicly released."

MORE MONEY TO CLEMENT

Whatever work Clement Associates did on that draft must have helped because on June 22, 1977, the firm won a competitive contract to provide technical assistance to OSHA during the public hearing on the cancer policy held last spring and summer. Only this time, the financial terms were slightly different, not a maximum of \$15 an hour, but \$43 an hour for a project director, \$49.25 an hour for senior scientists, and \$14.50 for junior analysts. On the basis of a 40-hour week, that runs to \$85,000 a year for the manager; \$88,000 for the senior scientists; and \$27,000 for the analysts.

However, the total bid figure on the contract was rather low, \$85,300. That was soon to be remedied. On July 26, 1977, one month after the contract was awarded, OSHA's technical representative on the contract, Dr. James Vail, a career civil servant and a scientist, was replaced. His successor was Special Assistant Keller. Three weeks after that, on August 18, 1977, the amount of the contract was tripled to \$213,000. Since then, Keller has signed off on invoices totaling well over that figure, on the order of close to \$400,000 by November of 1978. Mr. Zeigler, in a letter dated January 19, 1979, said, "We anticipate that further payments will be made for services rendered as provided for in the contract."

Clement Associates carried out its responsibilities to OSHA under the contract through two task orders. The first order, labeled "undated" in the monthly invoices submitted for payment, called for screening 1,500 suspect carcinogens identified by the National Institute of Occupational Safety and Health (NIOSH).

On April 1 of 1977—about three months before Clement Associates was awarded the OSHA contract—the firm secured another contract with the National Science Foundation to provide technical assistance to the Interagency Advisory Committee established by the Toxic Substances Control Act.

That, too, was to screen the 1,500 suspect carcinogens identified by NIOSH. The first phase of the multi-phase contract was for \$142,793 for 3,140 hours work to be completed in three months or by June 23, one day after Clement Associates was awarded the OSHA contract.

The Clement Associates' proposal to OSHA referred to the fact it had already obtained a contract with the Interagency Advisory Committee to do essentially the same work: "Although the criteria to be used in setting priorities for testing under the Toxic Substances Control Act are not identical for regulation under the Occupational Safety and Health Act, the overlap is sufficient to give Clement Associates valuable insight and experience into this task," the company's proposal to OSHA reads.

The primary source of raw materials for both projects is the list of suspect carcinogens updated and published annually by NIOSH. The scientific data are obtained by skimming the scientific literature, a task often performed by graduate students.

It should be clearly understood that no attempt is made by NIOSH to appraise or assess the quality of the research.

The list is published in book form and also fed into a computer. The information can be bought from NIOSH either in the book or the computerized form. Dr. Geoff Taylor has testified Clement Associates "like everyone else have requested access to our computerized information service which is called NIOSH-TTC."

NIOSH COULD HAVE DONE IT FOR LESS

There is little reason to believe NIOSH could not perform the task assigned Clement Associates for a fraction of the cost paid Clement Associates.

For once the data are in anyone's computer, and they already are in NIOSH's, they can easily be broken down in accordance with previously established criteria—a task that can be performed as readily by NIOSH as anyone else.

As noted before, under Clement Associates' contracts with both the National Science Foundation and OSHA, it is dividing the suspect carcinogens into three similar categories:

"One class will consist of those chemicals which are in production and for which strong prima facie evidence exists that the chemical is carcinogenic. A second class would consist of those chemicals which are

[illegible]

The response, known to be carcinogenic in laboratory tests, caused tumors, including liver adenomas, in even half-doses, a drug producer says.

1. The first step is to identify the problem. This involves understanding the current situation and the goals that need to be achieved.

But that
by the same token, any responsible
community owes responses to take into ac-
count the fact that the methods of detecting
and gross amounts of a suspected criminal
have been improved dramatically since the
passage of the Dickey Clause. Defendants
and do not have guidelines as minute as a
"billboard of a giant's" "Compass-
ton" Quarterly reported on December 10,
1972 a grant is about one-thirtieth of the
amount of the grant.

...that absence, according to the

Reported in the Washington Post of February 4, 1978.

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted as follows:
Mr. BIRNEY (at the request of Mr. WRIGHT), for June 28 and 29, on account of illness in the family.

Dr. W. H. W. says the most important of cancer is still mysterious. Researchers know it is a long and complex process usually taking 20 to 30 years. Michael B. Sporn explains, cancer must be initiated, the genetic material in the cells is changed in some way—mutated—by carcinogens, radiation, or unknown genetic factors. Since nobody is free of cellular chemical changes, everyone has been initiated to one extent. What it progresses is another question. What it progresses is another question. What it progresses is another question.