

**Response to Philip Scranton's
Report On
Deceit and Denial: The Deadly Politics of Industrial Pollution
by
David Rosner and Gerald Markowitz**

Until I read Deceit and Denial I certainly believed that I had been an insider, had been well-informed about what had happened in the struggle to regulate vinyl chloride. How little I knew! How little I understood about industry efforts to manipulate the debate and influence the regulatory outcomes. For these classic cases, lead and vinyl chloride, this book tells much more than I knew, perhaps close to the whole story."

Anthony Robbins, former Director of
NIOSH, 1978-1981.¹

"The preeminent value of all intellectual communities is reasoned discourse – the continuous colloquy among historians of diverse points of view. A commitment to such discourse makes possible the fruitful exchange of views, opinion, and knowledge."

"Statement on Standards of Professional Conduct,"
American Historical Association²

In Fall, 2002, our book, Deceit and Denial: The Deadly Politics of Industrial Pollution, was published jointly by the University of California Press and the Milbank Fund as one in a series that addressed a variety of aspects of health policy. Briefly, the book looked at questions regarding how two industries, the lead industry and the chemical industry, reacted when faced with information regarding the potential dangers of their products to human health during the twentieth century.

The book was unusual in a number of respects, including the fact that much of the chapters on the two primary cases were based on documents historians rarely if ever use in critical evaluations of corporate behavior. These documents included internal company correspondence, memos and minutes of meetings of both the lead and chemical industry trade associations and some of their member companies. This extensive cache of documents became available during the "Discovery" phase of various lawsuits against the Lead Industries Association (LIA) and the Manufacturing Chemists Association (MCA), (today renamed the American Chemistry Council), and some of their member companies.

We have testified as expert witnesses in these legal disputes because the historical record is critical in determining whether the lead and vinyl industries should be held accountable for harm to individuals and communities. The Attorney General of the State of Rhode Island has

¹ Anthony Robbins, [Review of Deceit and Denial: The Deadly Politics of Industrial Pollution](#), *Journal of Public Health Policy*, 24(2003), 492-494.

² "Statement on Standards of Professional Conduct," American Historical Association, May, 2003.

brought one case against the lead industry. Here, the State is suing for recovery of costs associated with the damage to children caused by lead paint on the walls of houses in the state and for the costs of removing the lead from the walls of up to 80 percent of the homes in Rhode Island.

The second set of cases is the reason we post this web site. Here, various chemical companies, specifically those who produce or use vinyl chloride monomer (VCM), a suspected human carcinogen, are being sued by workers who have developed a very rare cancer called angiosarcoma of the liver. This cancer is so rare that fewer than two-score cases of it are identified in this country in any given year.

The industry lawyers are particularly disturbed by two chapters in Deceit and Denial that detail how, in the early 1970s, the chemical industry deceived the government about industry's own findings that VCM caused a rare liver cancer in animals exposed to relatively low levels of VCM.

The documents we uncovered while researching our book have received a fair amount of attention from the media. Bill Moyers' "Trade Secrets," a PBS documentary which traces the vinyl story, relied heavily on these documents; we are interviewed extensively in the film. A Toxic Comedy Picture that was broadcast on HBO, Blue Vinyl, directed by Judith Helfand and Dan Gold, also integrated material we identified into the story of vinyl chloride. Both these documentaries have won major awards, and we are proud that we played a role in these productions.

One vinyl chloride case is now scheduled to go to trial in February, 2005. In the legal proceedings for this case, Gerald Markowitz has been deposed for five days by lawyers for Monsanto, Airco, Dow, Union Carbide, Goodyear, Goodrich, Shell and other large corporations. Following his deposition a number of unusual events occurred. The press and the foundation that published our book were subpoenaed for all of their records concerning our work, their relationship to each other, and the peer review process. Following this, five of the eight outside peer reviewers were also subpoenaed to provide all of their records related to the book and to appear at depositions for questioning by company lawyers (see the article in Chronicle of Higher Education that summarizes these events).

In addition to these highly unusual, perhaps unprecedented, intrusions into the academic peer review process, the chemical industry hired Philip Scranton, Professor of History at Rutgers in Camden, to write what lawyers call an "expert report" about two of the chapters of our book, attacking our professional standards, ethics, and integrity.

We are presenting this website primarily for the community of historians who must undoubtedly be confused by the articles and discussions that have recently appeared. We provide the reader with Scranton's report, our response, reviews of our book by the academic community, and a link to websites that provide historians with access to a selection of documents from the chemical industry papers. Because one of

the key accusations is that we inadequately and inaccurately document our statements in Deceit and Denial, we will be posting on this site the documents we used in our footnotes for the scholarly community to evaluate. In the meantime, we encourage the reader to visit two other sites where an extensive selection(27,000 pages) of these and other documents about the vinyl chloride story are available:

*<http://www.chemicalindustryarchives.org/search/default.asp?stemming=Yes&cmd=start&request=&i=vinyl&search=GO> and
<http://www.pbs.org/tradesecrets/evidence/evidence.html>*

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Introduction

“I think you all know that what happened 40 years ago is no reflection of the kind of industry that we represent today.”

(2002)

Terry Yosie, Vice-President of the American Chemistry Council³

When “Trade Secrets,” Bill Moyers’ award winning special on PBS first aired, we took heart from the Vice President of the American Chemical Council’s apology for what occurred decades ago in the chemical industry. We certainly hoped that the industry of 40 years ago was not “the kind of industry that” the American Chemical Council represents today. But we are given pause by the recent attempts by the chemical industry to interfere with the peer-review process, academic freedom and open debate. As many of you know from the recent article in the Chronicle of Higher Education, lawyers for the chemical industry have subpoenaed records from the foundation that supported research for and co-published our book, Deceit and Denial: The Deadly Politics of Industrial Pollution. The industry lawyers also subpoenaed the records of the book’s co-publisher, the University of California Press, and of five of the eight peer reviewers for the press, going so far as to require them to be deposed by industry lawyers.⁴ We have yet to hear of similar actions by industry with regard to an academic book. While Mr. Yosie may believe the chemical industry is a very different industry than it was four decades ago, this attempt to stifle the peer review process and to attack our integrity is reminiscent of earlier attempts by the industry to intimidate or destroy the reputations of others who dare challenge it.

³Terry Yosie in discussion with Bill Moyers following the airing of “Trade Secrets,” See last paragraphs of discussion at: <http://www.pbs.org/tradesecrets/transcript.html>

⁴ Lila Guterman, “Peer Reviewers and Publishers of Scholarly Book Get Subpoenas in Lawsuit Against Chemical Companies,” The Chronicle of Higher Education, <http://chronicle.com/daily/2004/11/2004110502n.htm>

Monsanto, Dow, Union Carbide, Goodrich, Goodyear, Uniroyal and many other companies and their lawyers have gone even further than subpoenaing records and deposing reviewers: Philip Scranton, a fellow historian, has written a 41 page single-spaced report for the attorneys defending the chemical industry. Among his many accusations, he argues that the review process for our book was “subverted” (Scranton, p. 41) because we knew a number of the reviewers of the manuscript and two were colleagues at Columbia and CUNY. We maintain, in fact, that the review process for our book was more rigorous than the usual academic review process. Eight respected scholars wrote reports on the manuscript and then gathered for a two day meeting with us, the editor (now Director) of the University of California Press and the President of the Milbank Foundation, to critique the manuscript before publication, raise questions and ask for clarification. This process resulted in Deceit and Denial being one of the most thoroughly peer-reviewed scholarly books by an academic press.⁵

The documents we uncovered and based these chapters on have been thoroughly reviewed. Bill Moyers and the producers of Trade Secrets, an Emmy award-winning documentary reviewed the materials carefully when preparing their film. Also, the producers of Blue Vinyl, an award-winning documentary, also checked the accuracy of these documents. HBO, which funded and aired this show, also fact-checked our documents, asking us to provide many of them as part of their legal vetting process. Again, we encourage readers to look at the selection of the documents themselves at the URL noted on page 2. Despite this thorough review, Scranton never acknowledges that Deceit and Denial got anything right. Nor does he argue that industry bore any responsibility for any harm to workers’ health. That we got nothing “right” in a book as widely (and positively) reviewed in more than 25 professional and popular journals should alert the reader to the fact that his critique has less to do with scholarly appraisal and more to do with the court cases.⁶

We usually benefit from and even enjoy responding to another historian’s commentary on our work and engaging in a dialogue about the issues that our work raise. Exchanges of scholarly points of view and even disagreement are one of the great luxuries encouraged by the academy and by our profession. In this case, however, it is distasteful to respond. Rather than raise legitimate scholarly questions we feel Philip

⁵ Our book was reviewed for the press by eight scholars, including the former head of the National Cancer Institute, the former head of the CDC’s Lead Advisory Panel, a former head of the Louisiana Department of Environmental Quality, a chair of a department of public health, a physician specializing in occupational and environmental health, professors of history at Columbia and CUNY, and the author of the only other serious book on the history of the lead industry. In addition to writing serious appraisals of our manuscript, the press and foundation brought these scholars together for a two day discussion with us at the Claremont Resort in Berkeley, California.

⁶ [Science](#), [Journal of the American Medical Association](#), [New England Journal of Medicine](#), [The Lancet](#), [New Scientist](#), [Business History Review](#), [Reviews in American History](#), [Journal of American History](#), [The American Historical Review](#), [Annals of the American Political Science Association](#) and many more have all praised this work for its scholarship and convincing arguments. Even [Enterprise and Society](#), [Technology & Culture](#), and [Business History Review](#), the journals on which Scranton serves as a member of the editorial boards, praise this book for its scholarship.

Scranton offers instead an intemperate attack on Deceit and Denial and a personal attack on our professional standards and ethical behavior.

We are scholars who have studied the history of occupational and environmental health for over two decades and have received praise for our scholarly books in the fields of the history of medicine and public health. We have written and edited individually and together eleven books with prestigious academic presses including Princeton University Press, Cornell University Press, the University of California Press, Cambridge University Press and others. In addition we have written scores of scholarly articles, book reviews and review essays in the leading journals in the fields of history and public health and have won awards from the American Public Health Association, the University of Massachusetts and the City University of New York for our work. Furthermore, our books have been widely and very positively reviewed. Two of our books have been designated as “Outstanding Academic Books” by Choice. In addition, our academic positions attest to the fact that our colleagues in our field have found it to be of sound and high quality. One of us is a University Distinguished Professor of History at the City University of New York, the highest academic rank; the other, a former University Distinguished Professor at CUNY, is presently Professor of History and Public Health at Columbia University and Director of the Center for the History & Ethics of Public Health at Columbia’s Mailman School of Public Health. Unlike Professor Scranton, our work over the past two decades has been devoted to exploring the history of occupational and environmental disease, the topic at hand in the book he has attacked.

Professor Scranton offers as the basis of his expertise in the area of the history of occupational and environmental health his affiliations with Rutgers University, his association with the Hagley Museum and Library and the National Air and Space Museum of the Smithsonian Institution, and his scholarship in the fields of the modern history of technology and science and the history of business and industry, primarily in the United States. His report also refers to his “expert testimony” as a witness for corporate defendants in a 2002 asbestos case (Scranton, p. 2).⁷

He alleges that we have “violated the AHA’s and NCPH’s guidelines in six specific areas: I. Integrity and Accuracy; II. Misrepresentation and Omission; III. Advocacy and Oversimplification; IV. Inadequate Documentation; V. Qualification and Interpretation; and VI. Professional Ethics.” (Scranton, p.3) These are noxious charges that demand our careful response. Therefore, we will post on the web three sets of documents for the scholarly community to evaluate: 1) his comments about our book, 2) our response, and 3) the primary documents we use as evidence (and references) in the two chapters of our book that he has attacked. This third posting will be done as soon as practically possible in order that the scholarly community can judge for itself whether we distort their content, as Scranton asserts. In the meantime, readers can consult an extensive collection of these documents at the following URLs:

<http://www.chemicalindustryarchives.org/search/default.asp?stemming=Yes&cmd=start&request=&i=vinyl&search=GO>

⁷ Expert Testimony of Dr. Philip Scranton, In re: Asbestos Personal Injury Litigation Mass Litigation Panel, Case # 02-C-9004, (Circuit Court of Kanawha County, West Virginia). September 18, 2002.

<http://www.chemicalindustryarchives.org/dirtysecrets/vinyl/1.asp>

We believe even this collection will convince the reader that what we report in our book is accurate and well-documented.

Broader Meaning and Context of this Exchange

It is important to understand the activities related to our work and testimony in court in the context of the recent debate about historians in the courtroom, a discussion that has engaged historians of medicine.⁸ In recent years, a growing number of historians have participated in court proceedings, testifying either on behalf of industries like tobacco or lead or on behalf of plaintiffs including injured workers and consumers, various cities and states, and the federal government in suits brought against tobacco, lead, silica, and now the chemical industry. In many cases, different industries have hired the same law firms to defend themselves. The reasons that historians are being called upon to serve as experts are numerous but are related to the fact that decades-old exposures to tobacco, asbestos, chemicals and other toxins are causing serious illnesses and disabilities. Workers exposed to asbestos or silica in the 1970s, for example, are now feeling their effects. Children are coming down with lead poisoning now, suffering because they have ingested lead from paint put on the nation's walls decades before. Hence, questions of what was known by industries and consumers alike about the dangers of a variety of industrial products in past decades have become important in adjudicating responsibility and, therefore, damages in courts today. Historians are therefore increasingly important in legal proceedings.

Another major reason that historians are being brought into lawsuits has to do with the fact that the governmental regulatory agencies such as the Environmental Protection Agency, the Occupational Safety and Health Administration and others that once were the forums where environmental and occupational issues were debated and addressed have been silent on many important issues in recent years, making the courts one of the last venues where workers and communities might find some form of justice. A review of our book that appeared in the Journal of the American Medical Association will help the reader understand the stakes involved in what we believe is an attempt by the chemical industry to undermine our testimony about the history of the chemical manufacturers' knowledge of danger, as documented in our book Deceit and Denial:

“After reading Deceit and Denial it would be appropriate to think about the use of the US court system to protect workers and others from environmental exposures. Given the role of industry, the collusion of government officials, and the disenfranchisement of groups, it is clear why the courts have often ended up

⁸ See David Rothman, *Serving Clio and the Client: The Historian as Expert Witness*, Bulletin of the History of Medicine, 77(Spring 2003), pp. 25-44; Patricia Cohen, “History for Hire in Industry Lawsuits,” NYT, June 14, 2003, B-7; Lila Guterman, “Peer Reviewers and Publishers of Scholarly Book Get Subpoenas in Lawsuit Against Chemical Companies,” Chronicle of Higher Education, November 19, 2004, p.19; Alex Lane, “Tempestuous Times in the Ivory Tower,” Newark Star-Ledger, December 5, 2004, “Perspectives” Section, pp. 1,4. David Rosner and Gerald Markowitz, “Better Living Through Chemistry?” History News Network, December 5, 2004.

as the last battle ground to protect health. While some might think this role inappropriate, a reading of this book clarifies why this happens.”⁹

Industry lawyers realized the importance of historians in tobacco and lead cases many years ago and began recruiting historians into tobacco and lead suits in the 1980s and early 1990s. A substantial number of historians’ briefs now exist making it apparent that a common historical argument serves to protect industries in lawsuits. In what historian Robert Proctor has called *agnotology*, lawyers for major industries have, with the help of historians, created a new “science” for the creation of doubt and ignorance about industry’s actions in the past. Proctor argues in a number of oral presentations and editorials about the tobacco industry that historical experts testifying for industries have adopted a few basic techniques to undermine plaintiffs’ claims that the tobacco industry bears responsibility for their suffering because the industry knew of danger long ago but failed to warn unsuspecting smokers.¹⁰ Proctor argues that the “new science” of agnotology has developed a series of generic propositions:

- Despite whether knowledge existed within industries of the dangers of a product, that knowledge cannot be considered definitive proof of real danger.
- Without absolute certainty about the danger of a product or substance, there was little or no obligation on the part of industries to act to remove their product from the market or to lower exposures to toxic materials within the factory.
- More research is needed before doubt can be eliminated.
- Causation is extremely difficult to prove and requires years, if not decades, of careful experimentation and observation before “controversy” about the sources of disease can be resolved.
- It is necessary to “contextualize” the knowledge of danger to understand that standards of openness have changed over time.
- Standards of morality were “different,” meaning not as “advanced,” in the past.
- Historians who draw conclusions that indicate industry malfeasance are sloppy, simplistic or biased.
- If the danger of this product is undeniable, and it is impossible to deny knowledge of its dangers, argue that the government knew about danger as well and government failed to regulate the industry, making government, not the industry, responsible.

⁹ Arthur Frank, [Review of “Deceit and Denial: The Deadly Politics of Industrial Pollution,”](#) in *JAMA*, 289(April 2, 2003), 1706-1707.

¹⁰ See, for example, Robert Proctor, “Should Medical Historians be Working for the Tobacco Industry?” *The Lancet*, 363(April 10, 2004), 1174. We, along with Robert Proctor at Stanford and Allan Brandt at Harvard have testified or worked with cities, states and the federal government as well as workers and consumers injured by tobacco, lead, silica, vinyl and other industrial products.

Scranton's argument about the chemical industry closely parallels the arguments that Proctor has outlined in relation to the tobacco cases¹¹:

- The chemical industry had valid reason to doubt the accuracy of findings that indicated the danger of vinyl chloride monomer.
- There was ample reason to be cautious with reporting signs of danger.
- There was a reason to gather more information before telling government, workers or the public of the possibility of danger.
- There was a controversy about the meaning of information being gathered.
- Science is a slow, cumulative process that demands care and secrecy until definitive proof is available.
- Conflicting pieces of information should be reported, irrespective of their importance to the historical questions being asked.
- One should highlight evidence of ambiguity or innocence.
- "Good" science demands secrecy and occasionally, the contradictory position that "good" science demands teamwork and transparency.
- Critical adjectives, nouns or adverbs used to describe or summarize corporate behavior are inappropriate and indicative of bias.

Analysis of Scranton's Argument

We begin by simply pointing out that from virtually the first through the last page of his discussion Scranton is guilty of every "violation" and sin of historical scholarship he accuses us of. Moreover, he sees no conflict in taking on the role of judge of our professional conduct and our standards while acting at the behest of chemical companies such as Monsanto, Dow, Union Carbide, Goodrich, Goodyear, Uniroyal and others, even invoking codes of ethics of the American Historical Association and the National Council on Public History as the basis of his judgment. As should be clear to any reader, a primary goal of much of our work, in Deceit and Denial, Deadly Dust, and Dying for Work, has been to analyze what happens when industries are confronted with evidence of the potential toxicity of their products or work processes. Often Professor Scranton attacks us for not addressing questions that he deems are important, specifically in what ways did industry act responsibly. His argument that we should ask different questions is fallacious. Every book reviewer is taught that you review the book that was written, not the book that you would have written or wanted to write. Certainly, Dr. Scranton or any historian has the right to write that book and to submit it for scholarly evaluation.

It should be noted that we spent more than three years sorting through literally thousands upon thousands of documents. As mentioned

In the following section we take up each of Professor Scranton's charges in turn:

- **Integrity and Accuracy**

Professor Scranton charges that we "failed to satisfy ... professional standards" of "integrity and accuracy." In a twenty page section he says that we tend towards

¹¹ With thanks to Robert Proctor whose analysis of historical experts for industry is invaluable.

“overgeneralization and an inattention to corroboration,” “failure to follow up research,” “incomplete use of sources,” and “inadequate understanding of science.” He seeks to document these claims by providing partial or inaccurate summaries of our work and mis-statements about the content of documents. The two chapters of our book that Scranton addresses center on the activities of MCA, the trade association for the chemical industry, in the years between 1964 and 1974 and particularly 1970 and 1974. It was then that the industry discovered that the primary building block of polyvinyl chloride, one of the mainstays of the plastics industry, caused cancer in animals. At issue was the level of vinyl chloride monomer (measured in parts per million – ppm) that workers or customers could be safely exposed to without endangering their health. In brief, we trace how the European and American plastics industries worked together to keep from the government data based on animal experiments that vinyl chloride monomer could cause cancer.

Perhaps Scranton’s most egregious misrepresentation is of this point. He alleges that we claim the industry’s “most salient element of ‘deceit’” was not telling the government about the European’s “finding tumors at a fairly low point on a scale of exposure....”(Scranton, p. 30-31) Scranton seeks to reduce our argument to whether or not the industry representatives “mention cancers at 250 ppm” at the industry meeting with NIOSH in July, 1974 (Scranton, p.29). At Markowitz’ deposition, Scranton argues, Markowitz makes an “admission” that it is unclear whether NIOSH “was told about the existence of tumors at 250 parts per million,” Scranton argues that the “most salient element of ‘deceit’ ... has thus dissolved.” (p.30) But, Scranton misses the point. The “deceit” was not about “finding tumors at a fairly low point on a scale of exposure,” the fact that Markowitz twice agrees is unclear from the documentation. Rather, it was the fact that the industry avoided informing the government about new research of Cesare Maltoni, another investigator for the European plastics manufacturers. This research indicated that vinyl chloride could produce angiosarcoma of the liver in rats at low levels of exposure. The MCA **planned before the meeting to avoid** letting NIOSH know that Maltoni had found angiosarcoma of the liver in rats at levels of exposure below what American companies were recommending as a safe level for humans. **Our point, simply put, is that the industry planned this deception of a government agency so that the government would not take “precipitous action,” such as regulation of working conditions or even possibly a ban on the use of vinyl in consumer products. The industry’s decision to deceive the government is documented in the writings of industry representatives themselves and can be read by all in the selection of documents posted at the website noted earlier. These are not our assertions, as Scranton would have the reader believe, but industry’s own statements.** While it is possible (or not) that the MCA told the government about animal cancers at 250 ppm, this is irrelevant since this information was at best interpreted by the government as confirming earlier work that had found tumors in the rats’ zymbal gland, an organ that humans do not have. The industry went into the meeting knowing that it was not going to tell the government about the new critical information that Maltoni had discovered, unless asked – an impossibility given that NIOSH did not know of Maltoni’s experiment. The MCA’s lawyer:

“briefed the task group on their responsibilities and obligations under the confidentiality agreements now operative between MCA and the sponsors of the present project on the one hand, and the European group on the other. In brief, his admonishments were to the effect that absent permission from the European group, we should not volunteer reference to the European project or substantive data derived therefrom, but that, in response to direct inquiry, we could not deny awareness of the project and knowledge concerning certain preliminary results.”¹²

The industry spokespeople came away from the meeting pleased that they had avoided the issue and therefore had avoided the possibility of government regulation of their industry.

Overgeneralization

Scranton quibbles with the descriptive terms we use because they reflect badly on the industry or on its defense against lawsuits. Specifically, he spends more than a page arguing that we should not use the word “industry” to describe the members of the Manufacturing Chemists Association (MCA).¹³ He argues that we “oversimplify” by using that term rather than identifying each company as an independent actor. In general, (Scranton, p. 4), he argues that “it is essential to show through documentation, not assertion, that all firms in the industry concurred in whatever action was projected.” This may be a clever legal tactic, but not a historian’s question. At many points in our book we note diversity of opinion among corporate representatives. But, we also note that they acted as a united industry when it came to official decisions such as telling the government about the potential dangers of vinyl chloride monomer. He chooses to see differences of opinion as noble; we view the same documents as indicating that the industry, or at least some within the industry, understood their ethical lapses when misleading the government.¹⁴

Scranton claims that our use of the word “industry” is misleading since there were only individual companies: “No where did Markowitz show that there was also an ‘industry’ in the sense of a single-voiced, policy-determining entity,” Scranton argues (Scranton, p.4). But, his attempt to splinter apart the chemical industry is disingenuous and unsupported by the historical evidence.

- The use of the term “industry” to describe the chemical and VCM manufacturers is widespread in contemporary documents and is absolutely appropriate when describing how a group of the major chemical companies in the country organized

¹² MCA, Vinyl Chloride Research Coordinators, Minutes of Meeting (May 21, 1973), MCA papers. http://www.chemicalindustryarchives.org/search/pdfs/vinyl/19730521_001_00000225.PDF#xml=http://www.chemicalindustryarchives.org/search/search2.asp?cmd=pdfhits&DocId=293&Index=C%3a%5cProgram%20Files%5cdtSearch%5cUserData%5cvinyl&HitCount=2&hits=166+167+&hc=28&req=confidentiality+agreements

¹³ This trade association has changed its name first to the Chemical Manufacturing Association and now to the American Chemistry Council.

¹⁴ Scranton seeks to substitute phrasing that will fit a legal argument. See Scranton, p. 5, for example, where he chastises us for using the phrase “what was obvious to all” instead of his preferred, legally more ambiguous, phrasing, “what may have been obvious to all.”

- itself through the MCA, its trade association, to forestall government regulation, and to act in concert with European companies to mislead NIOSH.
- The chemical companies organized themselves in a trade association that claimed to speak for the “industry” and included virtually all vinyl chloride and polyvinyl chloride manufacturers.
 - Terry Yosie, the Chemical Manufacturers Association’s spokesperson, in the very document he identified above, talks of the “*industry*.” (our emphasis)
 - In 1974, another trade association, the Society of Plastics Industries, represented the “industry” in a suit against OSHA to prevent it from implementing tough new regulations that would lower the standard of exposure to VCM.
 - The U.S. Second Circuit Court of Appeals, in its decision on the vinyl chloride industry’s attempt to get OSHA’s regulations reversed, says (p.1305) “ the records shows what can only be described as a course of continued procrastination on the part of *industry* to protect the lives of its employees.” (our emphasis)
 - NIOSH perceived the MCA as representing the “industry” when it met with the MCA in July, 1973.
 - It was the MCA that organized research efforts, whether they were animal studies or epidemiological studies, on behalf of the chemical “industry.”
 - Scranton himself is guilty of the same “over generalizations” that he critiques us for. At points he himself refers to the “industry.” More generally, instead of using the term “industry” to describe vinyl manufacturers, he uses “manufacturers,” “vcm/pvc producers,” “European companies,” etc. If Scranton is going to adhere to his own exacting criteria he should list specific companies individually, to avoid any gross generalization.

Certainly, Scranton knows that such a document would not be a book, but a compendium of data that would have little meaning to anyone other than the lawyers representing the chemical industry, seeking to avoid any collective responsibility for its past actions.

Scranton confuses the “forest” and the “trees”: He alleges that we “accepted a single source’s account without collateral evidence or presented a single individual’s opinion or argument as that of the entire industry.” This ignores the 300 footnotes that document patterns, arguments and actions of the industry. Each data point is part of the whole and must be evaluated in relationship to the other parts. It is the collection of the footnotes, not any individual citation, which is to be evaluated for its coherence and intellectual integrity. We, and the various reviewers of the manuscript and book, feel more than comfortable with the documentation of our research effort and we are sure that any reasonable historian would agree.

Scranton argues that our “major claim” – that the vinyl chloride industry acted to keep information about the toxicity and carcinogenicity of vinyl chloride from the public, the government and the work force -- “stands as both ill-defined and unsupported.” (p.5) No one else has claimed that our “major claim” is “ill-defined.” Indeed, if this were so the attorneys for the defendants would not have needed to hire Scranton to write his defense of the industry. Writing on behalf of the industry he may want the reader to

believe that our point is “unsupported.” He may disagree with it, but we base our analysis on primary documents that come from the chemical industry itself. These documents may be embarrassing to the industry but they certainly “support” the obvious argument that the industry planned and carried out a deception of the government.

He also accuses us of “seem[ing]” to be “confident that information received early on in vinyl chloride research had a definite implication for human health, within and beyond chemical plants.”(p.4-5) Our point is that the industry itself was worried about the implications for human health to the point that it began to quietly take vinyl monomer out of household aerosols, particularly hairsprays. Further, it did so to avoid “drawing attention to the industrial hygiene aspects of the problem.”¹⁵ This is not our assumption; this is the industry’s concern.

Scranton also alleges that we misrepresent or over generalize about sources. For example, on page 5 Scranton claims that we make a series of statements about the setting of standards of exposure in industry that go undocumented. Yet, when you look at the paragraph you will see that we are then summarizing an argument about how standards in general were developed, citing our own previous work on silica as an example. We say: “Most of the established standards [from the 1930s on] were only vaguely dependent on experimentation and epidemiological study. More often they resulted from bargains struck between industry leaders and public health officials.” This is not a profoundly complicated statement – just a summary of the history of standards. Is he really arguing that experimentation and epidemiological studies were the basis for chemical industry standards in the 1930s, 1940s, 1950s? If he is, he is ignorant of the realities of industrial hygiene during that troubled period in American industrial history. Industrial hygiene was an infant discipline and sophisticated epidemiological studies were rarely if ever carried out when establishing thresholds of danger. Often, there was little science as we know it involved at all. Observational and clinical data were used by industry-dominated committees to establish “safe” practices. In addition to our previous work Scranton should consult the literature on standard setting, particularly the work of Robert Proctor and Barry Castleman.¹⁶

Failure to Follow-Up Research

Scranton says that we are guilty of a “failure to follow up research,” giving as an example his belief that we should have tracked down the sources of information for an article in a trade journal published over a quarter century ago. We leave it to the reader to judge his objection: Scranton argues that we “failed to inquire at all about what sources the trade journal [Modern Plastics] used for its article” (Scranton, p.7). Scranton also charges (Scranton, p. 8) that we did not establish that “any firms offered ‘public

¹⁵ MCA, Minutes of Meeting, Vinyl Chloride Research Coordinators, Jan. 30, 1973.

¹⁶ Gerald Markowitz and David Rosner, "The Limits of Thresholds, Silica and the Politics of Science, 1935 to 1990," American Journal of Public Health, 85(Feb. 1995), 253-262; Robert N. Proctor, The Cancer Wars, (New York: Basic Books, 1996); Barry Castleman, Asbestos: Medical and Legal Aspects, 3rd edition, (Englewood Cliffs: Prentice Hall, 1993); David Rosner and Gerald Markowitz, Deadly Dust: Silicosis and the Politics of Occupational Disease in America, (Princeton: Princeton University Press, 1991).

statements' that provided information for this article." The article in Modern Plastics makes clear that such information had been obtained and that the MCA was studying vinyl chloride monomer's "potential hazards." The MCA had decided several months earlier (January 30, 1973) that it would release information to the press about its own animal studies but that "the nature of the project is to be referred to as a chronic inhalation study without reference to the question of carcinogenesis."¹⁷ Scranton can take the reader through all the "twists and turns" he wants but the critical element here is that the industry, after all of its twists and turns planned to avoid telling NIOSH or the public about angiosarcoma of the liver in its animals even after its own membership voiced individual concerns about the morality or legality of such an action. Modern Plastics merely underscores this basic point.

Scranton also is outraged, claiming that our research was inadequate because we did not take oral histories of those people still alive who participated in the meetings that we cite (see Scranton, p.6) We disagree with Scranton's notion that oral histories would be a dependable source of information in this case. Oral histories must be used with extreme care, since they are often selective, self-serving and mistaken as to specific events particularly when taken many years later. Further, the written record of events is available and it is a very rich documentary trail. Given that the companies that employed many of these representatives are accused of lying to the government, such oral histories would be unreliable.

Scranton also argues falsely (Scranton p.7) that we "offered no citation to the sources of" our discussion of the odor threshold for vinyl chloride monomer "either in the report or in Chapter 6 of D&D." In fact, we cite the report that states that the odor threshold for vinyl chloride monomer was 4000 ppm -- far above the industry-accepted threshold limit of 500.¹⁸ Scranton is criticizing the placement of the footnote, not any substantive issue. Our reference is to a quote in the report that is two pages after the discussion of the odor threshold. The point is that this portion of the report clearly indicated that while workers were told that VCM was a threat only when they could smell it, the reality was that it was a threat well before they could smell it. Scranton distracts the reader from the critical point the report and our paragraph is making: that in 1969 the University of Michigan researchers privately told the MCA that workers who smelled vinyl chloride were exposed to levels far above the threshold limit that was set to protect workers' health without informing workers of this fact. We see no refutation of this in his entire digression. Finally, he either knowingly lies or very is mistaken when he says that Dr. Markowitz says he hadn't read the report. His reference to this in Dr. Markowitz' deposition (p.505) says nothing of the sort and doesn't even mention this report.¹⁹

¹⁷ MCA, Minutes of Meeting, Vinyl Chloride Research Coordinators, January 30, 1973.

¹⁸ The report is fully cited in our book, Deceit and Denial on page 176 as the "Confidential Report to the Medical Advisory Committee, Manufacturing Chemists Association."

¹⁹ Gerald Markowitz Deposition, Marian McKinley, et. al. v. Gencorp, Inc., et.al., May 14-16 and July 2-3, 2001.

Scranton is playing fast and loose with the Markowitz deposition where, on page 515 (not p. 505 as he believes) Dr. Markowitz says he has not seen a report which has incorporated restrictive phrasing that the MCA demanded from the University of Michigan. Here, Scranton conflates two “final reports:” The University of Michigan final report that was, in essence rejected by the MCA and a final report that incorporated the changes which has never been made public, if it was ever issued. It is a misrepresentation of Markowitz’ testimony to claim that Markowitz “acknowledged that he had never read the Final Report from the University of Michigan study”(Scranton, p.7). A reading of the testimony makes it clear that the report Markowitz is referring to was either not reissued with the adjusted language or never released by the industry.

Scranton chides us for not providing “an adequate narration for the year mid-1972 to mid-1973” (p.8). We leave it to readers to look at the chapters and judge for themselves whether or not our discussion is inadequate. Scranton suggests an “adequate narration” would be one that interprets the industry’s actions, and specifically its refusal to share Maltoni’s findings with NIOSH as “good science,” not self-interest. For example, Scranton (page 8) writes: “An adequate narration of the year from mid-1972 to mid-1973 would have shown some of the U.S. VCM/PVC producers agreeing to nondisclosure in order to gain access to otherwise unavailable European preliminary data, [his emphasis] so as to assist with planning their own toxicological studies (which were thereby reoriented).” This assertion ignores the fact that the Secrecy Agreement was maintained after it was revealed to the American manufacturers that vinyl chloride monomer was responsible for cancers at very low doses. The industry itself carried on its own internal discussions of the immorality, if not the illegality, of maintaining secrecy in the face of government requests of information and decided to maintain secrecy. The fact is that the MCA planned to NOT let NIOSH know of the angiosarcomas associated with VCM - that is, to maintain secrecy despite misgivings of its own about doing so and their awareness of the implications of such secrecy. We note that the decision to NOT tell the whole truth worried some members of the industry: some wondered whether this was evidence of an illegal conspiracy and others questioned the morality of this decision. For our historical purposes we believe that our two chapters on the span of time from the early 1960s through the 1980s were adequate. None of the further research Scranton asks for would change the history we present. The refrain of industry at the time and since when confronted with threatening information or demand for regulatory action has been that the issue “needs more research.” One need only to pay attention to the modern debate over global warming to see how this tactic is used to deflect action and reform.

Scranton also faults us for not following up on Umberto Saffiotti’s presence at Dr. Maltoni’s presentation at the 2nd International Symposium on Cancer Detection and Prevention in April, 1973. (Scranton p.9) He argues that we did not follow up on “several key issues.” 1) although we have the pre-print of Maltoni’s research findings which were not published until 1974 after the revelations regarding workers dying from vinyl chloride exposure. But, it does not deal with the issue of what Maltoni actually presented at the conference. 2) at the Tunney Senate Hearings that Scranton references, Saffiotti makes clear that he did not recall that Maltoni mentioned any of the specifics of his research, particularly absent was a remembrance of any mention of angiosarcoma of the

liver with regard to vinyl chloride. We assume that Professor Scranton is adopting an industry argument that seeks to shift the focus of discussion away from industry's actions and to governmental inaction. This tactic was used in 1974, when the industry argued it had told the government of Maltoni's findings. The reader of our book will know that government officials were outraged by this attempt to shift responsibility and blame. Scranton is just wrong when he says that Saffiotti had discussed Maltoni's "research with him personally in April, 1973" (Scranton, p.10).

Incomplete Use of Sources

Scranton charges that our "use of sources" is "incomplete and distorted." (Scranton p.10). He indicts us for not doing a "thorough review" of the industry documents that were provided to the plaintiff's counsel. Again, we refer the reader to our 309 page timeline, the documents themselves and to our footnotes. We went through an immense array of the industry trade association documents and sampled the company-specific documents. As any historian knows the documentary trail of events that happened in the past is always incomplete, but we feel our research more than meets the standards for although review of more material is always possible, there is a point where additional data adds nothing to the narrative. When we first prepared our timeline (now over five years ago), we specifically requested that the defendants go over it to make additions or corrections. They have never done so, leaving us to believe that they believed it to be accurate. We will be posting the timeline on this website and will gladly consider any corrections to it.

Scranton chides us for not using V.K. Rowe's testimony at the OSHA Fact-Finding Hearing on February 15, 1974 as evidence that industry had acted for many years to protect its workforce. It is not surprising that Rowe does make this assertion at the Hearing, given that the industry for which he works is under attack. But, there is no way for him to know whether the industry had, or had not, reformed its practices as there are no detailed studies of how much vinyl chloride workers were exposed to in the 1960s and early 1970s. In fact, in an internal industry survey of workers' exposure to VCM they were forced to use vague categories of "high, medium or low" because precise monitoring and surveillance systems were lacking in virtually all the workplaces. There is simply no way for Scranton to know, as he asserts, that "exposure reductions in the U.S. and abroad took place through the 1960s into the mid-70s." (Scranton, p11). In fact, throughout the early 1970s, the industry argues against lowering the exposure to 1 ppm by stating that such modification of their plants would be inordinately expensive and impossible to do. Yet, after such regulations were mandated by OSHA the industry quickly found a way to do it.²⁰

Scranton seeks to place the best possible face on industry's actions by using the term "non-disclosure agreement with European producers" to describe the U.S. industry's agreement with the Europeans to keep information secret. In fact, two terms are used in

²⁰ See, Mary Williams Walsh, "Keeping Workers Safe, but at What Cost?" NY Times, Dec. 20, 2000: "The plastics industry railed that OSHA's rule, promulgated in 1974, would cost \$65 billion to \$90 billion to comply.... OSHA projected that industry would have to spend \$1 billion.... In fact, users were able to eliminate the substance for no more that \$278 million" in 1974 dollars.

the relevant industry documents to describe the contract between the American and European chemical companies: “Secrecy Agreement” and “Confidentiality Agreement.” Nowhere is the term “Non-disclosure agreement” used although we can understand why defendants’ lawyers might prefer such an innocuous term.

Scranton seeks to create the illusion that there was a “working partnership between the chemical industry and federal agencies.” (Scranton, p.11)(Note that Scranton uses the term “industry” which he critiques us for using) But there was no working partnership, as the industry asserted. As the history shows, when confronted with the choice between its loyalty to its European counterparts or the U.S. government, the industry chose the former, despite the misgivings of members.

Scranton criticizes us for omitting information contained in a memorandum from one of the defendants (Airco) that he believes contradicts our contention that the industry did not do enough to protect its workforce and hid critical information from them. The memorandum, Scranton asserts, shows that Goodrich had taken “a thorough and scientific approach to exploring the ‘hand disease,’ [acroosteolysis]” by “X-raying all employees in their PVC plants” (Scranton, p. 11). There are two things wrong with this statement. First, Scranton has no way of knowing whether Goodrich did or did not x-ray its employees and, if it did, whether Goodrich told them why they were being x-rayed. If he had looked at the depositions of several workers and the plant nurse at a Goodrich plant in Henry, Illinois he would have learned that they do not recall any such program or even any information about AOL until the early 1970s, several years after this 1966 memo. Second, the really appropriate intervention would have been to reform work practices to make sure that workers were no longer exposed to VCM at the levels that damaged them. Nor does any of the information presented in Scranton contradict the fact that for two years Goodrich kept information about AOL secret and, when it did tell other members of the industry in 1966, urged them to keep it secret as well: “They [Goodrich] hope all will use discretion in making the problem public....They particularly want to avoid exposes like Silent Spring and Unsafe at Any Speed....”²¹

Scranton lists a number of places in this document where he believes we do an injustice to industry by not quoting instances where he claims the industry acted responsibly (Scranton pp.11-12). He says that “these silences indicate once again Markowitz’ lack of professional integrity when selectively reviewing and reporting sources not in line with his interpretations.” But the industry’s extensive documentation of knowledge of disease caused by vinyl is redundant and merely reinforces our point that it knew there was a problem. Scranton criticizes us because he believes that Goodrich behaved responsibly during the time when AOL was an issue for the industry, between 1964 and 1970. Yet we know from one worker’s deposition (not quoted in our book) that when this worker was hired in 1968 (after Scranton claims Goodrich was taking corrective action) this worker was shown around the plant and, when he passed a polymerization vat, he was told to put his head into it to smell vinyl chloride. He recalled

²¹ R.N. Wheeler, "Meeting PVC Resin Producers at Cleveland Engineering Society under the Sponsorship of MCA and B.F. Goodrich Chemical Company, October 6, 1966" (October 7, 1966).

that he was told: “Now, stick your head in here [polymerization vat]. That sweet smell you smell will be vinyl chloride, but it won’t hurt you.’ So we did.”²²

Scranton argues (p. 14) that we were not justified in saying that company executives were upset with Viola’s findings that rats exposed to vinyl chloride monomer developed cancers at 5,000 ppm, far below the 30,000 ppm that Viola had reported a year earlier, and that the industry was hopeful that it would not prove applicable to humans. But at an MCA meeting there was discussion of the possible human significance of this data and later Wheeler of Union Carbide reported that “publication of Doctor Viola’s work in the U.S. could lead to serious problems with regard to the vinyl chloride monomer and resin industry.”²³ Further, Scranton charges that we ignored “significant information” that there were impurities in Viola’s vinyl chloride monomer that may have affected his results (Scranton, p. 14). But at a conference on vinyl chloride sponsored by the MCA and attended by representatives of some 24 companies, the minutes said: “Inasmuch as the material used by Dr. Viola was of undocumented composition, and variously noted to contain from 1 to 3 percent impurities, and whereas American commercial practice now may specify total organic impurities to as low as 100 ppm (99.99% assay), some, but not great confidence, was expressed that it could be shown that Dr. Viola’s results were attributable to the impurities in his sample.” (November 19, 1971) Thus, it is just not true, as Scranton claims, that MCA scientists “challenged Viola’s presumption of vinyl chloride causality.” (P. 15)

Also in this section, Scranton says that we violated historical standards because we did not quote Vernon Rose of NIOSH who praised B.F. Goodrich for its role in announcing and recognizing the angiosarcomas of the liver in its Louisville plant in January 1974. But when Rose praised the company, he did not know that Goodrich had earlier kept secret its knowledge that animals had been diagnosed with the exact same kind of rare cancer as the workers had died from. When, several months later, this information was revealed, there was no longer praise for the industry’s actions; in fact there was harsh criticism! Marcus Key, head administrator of NIOSH, recalled after hearing industry claim that it had been open and forthright with his agency in July, 1973, said that “at this [July, 1973] meeting there was no mention of angiosarcoma of the liver in humans or animals, no reference to production of liver tumors in animals by another Italian investigator, and no reference to Professor Cesare Maltoni by name.”²⁴

Scranton also criticizes us for not quoting the business magazine, Fortune, which said “as of January, 1974 literally all the information linking vinyl chloride to cancer had been developed by the industry on its own initiative.” What Fortune either did not know or did not reveal was that the research was conducted in secret and was purposefully withheld from the government.

²² Deposition of Larry Phillips in the United States District Court for the Southern District of Illinois, Joyce Bogner, Plaintiff, vs. AIRCO et al., defendants, Case No. 01-CV-627DRH.

²³ Wheeler, “Manufacturing Chemists Association Occupational Health Committee – Vinyl Chloride Conference,” November 23, 1971.

²⁴ See, for example, Marcus Key [Administrator of NIOSH], Letter to Editor of Chemical and Engineering News, June 10, 1974.

Scranton argues that we “wrote with the benefit of hindsight, judging actors generations ago as if they should have had foreknowledge of research outcomes, as if they should have been able, in advance, to recognize which among various possible health and safety threats would prove to be substantive and which would prove to be illusory.” (Scranton, p.19) This is a complete misreading of the documents and our text. **He would like the reader to believe that WE are arguing that vinyl chloride monomer was linked to cancer when in fact, it was the industry representatives at the time who were worried that research showed that vinyl chloride monomer might be a human carcinogen. He would like the reader to believe that it is WE who project back on the historical actors the fear that this information would lead to regulatory action, lawsuits or other problems for the industry when, in fact, what we do in the book is show that it was industry representatives themselves who were concerned about these possibilities. We were not guilty of presentism, as Scranton would like readers to believe.**²⁵

Scranton on “Good Science”

“All scientific work is incomplete.... All scientific work is liable to be upset or modified by advancing knowledge. That does not confer upon us a freedom to ignore the knowledge we already have, or to postpone the action that it appears to demand at a given time.” –Harriet Hardy²⁶

Among the more disingenuous sections of Scranton’s analysis is his attempt to use the history and philosophy of science as a means of defending the industry’s decisions NOT to inform the government of its findings and suspicions about the carcinogenic effects of vinyl chloride monomer. Not only does he misuse the work of others in trying to buttress his central argument that doing good science demanded that information be kept from the government, but he completely conflates a variety of issues. He argues that we “ignored the difference between information (e.g. rumors, first-stage research findings, individual’s opinions) and reliable scientific knowledge” in his attempt to explain why industry didn’t tell government officials about the Europeans’ finding of angiosarcomas in rats (Scranton, p. 4).

²⁵ Scranton (p.8-9) imposes some “presentist” ideology of his own when he attacks Irving Selikoff, one of the leading historical figures for his work on asbestos. He makes irrelevant and beside the point comments that have nothing to do with our book or the chemical industry and serve merely to cast aspersions on the character of recognized experts of the period: In an attempt to discredit Selikoff, Scranton argues that we should have impugned his credibility because he may (or may not) have been accurate in his claims about the potential dangers of asbestos-related deaths! Apparently, we should have impugned him in his damning testimony on the dangers of VCM because Scranton thinks he was wrong on a totally unrelated matter. In his statement, Scranton leaves the reader to believe that we discuss Selikoff and asbestos on page 203, note 35 but if one bothers to turn to that page, one sees no such reference. Note 35 refers to Louis Beliczky, not Selikoff, and no where on that page is there a reference to asbestos. This is another gratuitous attempt to mislead the reader about what we say and what he invents.

²⁶ Quoted in Deceit and Denial, pp. 113.

This information was not “rumor,” or “individuals’ opinions.” Rather this was information upon which the industry revised its own research project. In addition, at the behest of Dow Chemical, the MCA asked the Europeans for permission to give this information to the government, seeing it as highly significant and relevant to the regulatory effort. Indeed, the representatives of industry themselves recognized that the denial of this information to the government “could be construed as an illegal conspiracy by industry.”²⁷ This type of evidence in the historical record is hardly conducive to Scranton’s depiction of it as “first-stage research findings” or “rumors” unworthy of mention to government officials.

Further, he quotes at length from Bauer and Polonyi with regard to what scientists should and should not publish: “To ask that every scientist publish every piece of data is to invite a flood of unsound, uninteresting garbage.” (Scranton, p18) He argues what we, in Deceit and Denial, “represented as immorality and illegality [actions that]... can be more adequately, persuasively, and at a minimum, alternatively be described as sound scientific practice. Demanding that preliminary results from the Maltoni study should have been instantly released was a claim that reinforced the ‘junk science’ that grabs headlines.” (Scranton, p.18)²⁸ This is nonsense. **The issue that Scranton avoids is whether or not data that the industry considered highly significant should have been consciously and deliberately kept from the government, despite the fact that the government had put out a call for any information regarding the dangers of vinyl chloride.**

- He conflates the difference between informing governmental regulators of findings and publishing scientific findings.
- He confuses the methodology and responsibilities of scientists with the interests of industry representatives, managers, spokespersons and lawyers.

It is impossible in a reasonable space to address every paragraph of Scranton’s arguments about science and scientists’ responsibilities. He criticizes us for saying that “where human lives are at stake, most researchers accept that they have an obligation to share knowledge about potential harm.” This is hardly a point in need of documentation which he demands. (It lacked, he says, “any reference to a source that would confirm or validate its assertions.”) (Scranton, p.20) Nor do we believe that it is necessary to define the terms “knowledge” and “potential harm” each of which, Scranton says, “demands precision.”

An example of Scranton’s argument follows:

“Surely in every medical research project, human health and human lives are implicated, but Markowitz did not discuss how he construed the sense of lives ‘at stake,’ how researchers at that time understood this term, and whether this referenced an immediate and universal hazard (like asphyxiation or catastrophic

²⁷ : R.N. Wheeler, Union Carbide to Eisenhower, et. al, May 31, 1973 in MCA Papers

²⁸ We never accuse the industry of acting “illegally.” This characterization is contained in the industry’s own internal memos in which they worry that their actions “could be construed as evidence of an illegal conspiracy by industry if the information were not made public or at least made available to the government.” See: R.N. Wheeler, Union Carbide to Eisenhower, et. al, May 31, 1973 in MCA Papers.

heart failure through intense exposure to a deadly toxin), or something longer-term and unevenly-distributed among those encountering the hazard. Markowitz failed to consider scientific variations like these and thus these assertions are simplistic and valueless as historical analysis.” (Scranton, p.21).

“At stake” were the lives of workers and consumers who were exposed to what the industry worried was a human carcinogen. At the very least, government regulators had the right to know what workers, consumers and the broad public might be facing.

Professor Scranton does not acknowledge what is clear from the documents: that industry representatives in the early 1970s understood that this information should be shared with the government, even if they chose not to do so.

“Producers acted rapidly,” he argues, “to explore the possible validity of ‘information’ so as to determine whether it could become scientific knowledge, the latter being solid enough to share with all parties – workers, government and the public at large” (Scranton, p.4). He says this as a way of explaining away the fact that the industry did not share with governmental regulators crucial information necessary to the regulatory efforts.

Scranton, (pps 16– 23) seeks to speak about areas where he is unprepared, first arguing that secrecy was essential for good science, then that openness was essential for good science. He also conflates telling regulators about troubling research findings about animals exposed to low levels of vinyl chloride monomer dying from a very rare cancer with publication of preliminary results in peer reviewed medical journals. As in the above example, Scranton misleads his reader by raising red herrings, distracting the reader from industry’s failure to inform government of troubling data.

In his discussion of the methodology of science Scranton exhibits a naïve and mistaken understanding of both the contemporary debates about the scientific method as well as of the responsibilities and obligations of the scientist. For example, to explain the fact that the chemical industry, despite its knowledge of the possible carcinogenicity of vinyl chloride, decided not to tell the government, Scranton argues about the “proper” scientific methods and obligations. Rather than observe that this decision not to tell the government was, at the very least, an ethical lapse, he seeks to explain it away by arguing that without “reliable knowledge” (Scranton, p.16) that vinyl chloride monomer was carcinogenic in animals at low doses, the industry was following “sound scientific practice” by keeping silent about its data and its suspicions (Scranton, p.18). He argues, “reports of preliminary data or initial findings **have no scientific value** [our emphasis] until they generate broader theories about the phenomena at hand, theories that incorporate and explain the details first-phase research has generated” (Scranton, pp.16-17). Despite the fact that there was near-universal anxiety among industry representatives that vinyl chloride monomer was the cause of angiosarcoma deaths in test animals, Scranton argues that, even if this were the case, the industry was **obliged** to keep silent about its suspicions!

Furthermore, Scranton seriously misrepresents our work. We argue that the industry had a responsibility to inform the government, not necessarily publish all of its findings. Scranton suggests that we are arguing that industry should have published all of its findings when, in fact, we argue simply that when asked by the government to tell them of information about the possible danger of a product industry should have let the officials know that their test animals were dying after being exposed to low levels of vinyl chloride monomer. By conflating “publication” with the responsibility to inform the government he misleads the reader in a haze of irrelevant arguments about the philosophy of science and knowledge itself. If scientists abided by Scranton’s argument that no preliminary results or theories should be revealed before they are confirmed, Watson and Crick’s analysis of the structure of the chromosome would have been delayed for years, we would still await the publication of Einstein’s theory of relativity, and the notion of Darwinian evolution would still not appear in evolutionary biology textbooks (since there is still contention about whether or not it is “true”). Few, if any, philosophers of science would ascribe to Scranton’s reading of the scientific method. It is disingenuous to claim that industry maintained its silence in order to attain better information in the name of good science. The simple fact is that *Good Science Does Not Equal Silence*. In fact, good science demands transparency and openness.

Scranton then Goes on to Contradict Himself:

A few pages later, after arguing that not only was silence necessary but actually in keeping with good practice, Scranton contradicts himself by arguing that good science results from open discussion of ideas, that it is a complex process in which proof of causation sometimes takes “years, even decades,”(Scranton, p.17) to accomplish and that truth is the result of consensus and community acceptance. He quotes and paraphrases Henry Bauer and Michael Polanyi who liken science to a “jigsaw puzzle” with each scientist building upon the work of others, sharing information in order to attain truth.(Scranton, p.18) Here, it would appear, he is arguing for transparency and openness –even publications of preliminary results – as a necessary element in scientific progress. We heartily agree with him. How can he argue, then, that the chemical industry’s decision to remain silent about the potential danger to workers was legitimate?

Scranton quotes Bauer and Polanyi as a way to explain industry’s delay in informing government of the suspicions of danger of VCM. Bauer and Polanyi are not making their point about the complexity of the process to justify silence but to justify the opposite – to argue for transparency and openness. The fact that science is a process of asking questions and science is always incomplete does not mean that we cannot act or move to protect the population from harms we suspect are there. In Scranton’s extended attempt (Scranton, 16-23) to put the best face on industry’s actions by quoting Bauer and Polanyi regarding publication of preliminary data, he misses what Harriet Hardy, the eminent occupational physician, observed in the 1960s: “All scientific work is incomplete.... All scientific work is liable to be upset or modified by advancing knowledge. That does not confer upon us a freedom to ignore the knowledge we already have, or to postpone the action that it appears to demand at a given time.”²⁹

²⁹ Quoted in [Deceit and Denial](#), pp. 113.

- **Misrepresentation and Omission:**

Scranton misinterprets and ignores documents that would call into question the industry's own integrity. This is revealed in his discussion of the "Secrecy Agreement" that the American producers of vinyl chloride signed with their European counterparts. Rather than look at the extensive collection of internal industry documents that show the industry sought to mislead the federal government, he focuses on peripheral issues.

Briefly, in the fall of 1972, the European chemical company representatives informed American industry representatives that animal studies were showing that new cancers were developing among animals exposed to half the levels of VCM that the companies were recommending as safe for workers. The industry documents detail how the MCA member companies planned for a meeting in which they could appear to be forthcoming but would actually deny to government officials the information the National Institute of Occupational Safety and Health (NIOSH) had requested.³⁰ When the industry could not get the Europeans to release them from their "Secrecy Agreement" it had the choice of meeting their obligation to the United States government or abiding by their loyalty to their European counterparts. Our point is simply that the industry, understanding its obligation to inform the government, still chose not to tell the government. The discussion within the industry about this matter is instructive: it shows awareness within the industry that it should have let the government know; it shows how members agreed to collectively refuse to tell the government what they knew; and it shows that not a single company was willing to break with the industry as a whole to reveal the secret information to the government.

Yet, Scranton would have us believe that the internal discussions were a sign of the good faith of the industry. He argues that the industry had an obligation NOT to inform the government of its findings until its scientists had proven that vinyl chloride monomer was a carcinogen and that the moral qualms of industry representatives and internal discussions of their obligation to tell was as, or more, important than their decision to keep silent and to deceive.

Scranton would also have us believe that one of our sins was "to diminish the firms'" [i.e. the vinyl industry's] "open and cooperative" working relationship with the government. It is disingenuous to lead readers to believe that hiding information from the government is evidence of an "open and cooperative" relationship. On page 27, Scranton belabors our sentence, "Viola suggested, on the basis of his research, that a safer TLV would be 100 ppm, for he found that the 'danger of a toxic action of the monomer....'" His objection is that we used the word "suggested" saying instead that we should have used the word, "opinion." Further, Scranton says that we misrepresent the exchange by claiming that Viola's suggestion was based upon his own research. While Scranton attempts to obfuscate the situation by arguing about whether a "suggestion" is different from an "opinion" and whether Viola was there for any other reason than to make suggestions based upon something other than his research, we think it is clear that Viola

³⁰ In a letter from the industry trade association to its members it is stated that the industry recognized that it had a "moral obligation" to inform the government, particularly since the government was asking for information about the dangers of vinyl chloride.

traveled from Europe to the MCA headquarters to give the MCA the benefit of his expertise based on his research.

Scranton also accuses us of the sins of misrepresentation and omission. He says that we omit the fact that Dr. John Creech did not believe that vinyl chloride caused AOL (p. 25). But our point was that Drs. McCormick and Wilson, the principal authors of the first draft of the article that was ultimately published by Goodrich, were convinced that vinyl chloride was the cause of AOL. But, significantly, when the revised article was published it omitted this idea that directly linked vinyl to AOL. Whatever Dr. Creech believed, he was the plant physician, and not the researchers with the primary responsibility for writing the article.

Scranton spends almost a page and a half (Scranton, pp. 25-27) criticizing our interpretation of V.K. Rowe's letter of May 12, 1959. He specifically chides us for claiming "that Rowe expected 'appreciable injury' to full-time workers, given the current 500 ppm TLV." He says, "This was an error, for the source did not mention workers, their exposures, or their likelihood of injury." Although Rowe was conducting research on animals, it is clear that the context of the letter was that "the Conference of Governmental Industrial Hygienists has for some time been recommending a maximum average of 500 ppm." Threshold Level Values were established for workers, not animals. Further, Rowe goes on to say that this number "Can not be relied upon to [sic] strongly when considering chronic exposures." Again, it is clear he is talking about workers. Rowe concludes the paragraph by saying that he is confident that "500 ppm is going to produce rather appreciable injury when inhaled 7 hours a day, five days a week for an extended period." We conclude that Rowe is talking about workers working in a plant 35 hours a week, not rats in cages. The very next sentence is that "this opinion is not ready for dissemination yet." Thus he is not talking about data for animals, but his opinion is focused, as might be expected, on what is harmful to workers. This is further confirmed by the fact that when Rowe does publish his data two years later he and the other authors recommended a TLV of 50 ppm – one-tenth the TLV and again clearly tied to worker safety. It is Scranton, not us, who misuses and misrepresents the evidence.

Scranton also argues that we misrepresent the minutes of the MCA's Ad Hoc Planning Group of December 14, 1971 where they describe the "concerns that should guide any decisions made on research protocols...." He writes that we misrepresent the document by using in our quotation the term "reassure the public" rather than the full term "reassure the public that polyvinyl chloride entails no risk for the user." He argues that the MCA was trying "to avoid confusion between vinyl chloride (hazardous) and polyvinyl chloride (not hazardous)." While this sounds perfectly innocent and again reflects Scranton's effort to depict industry actions in their best, most benign, light, his presentation of the material is misleading. In the early 1970s the industry did not know that polyvinyl chloride was "not hazardous." In fact, around this time, because it was discovered that vinyl chloride monomer was leaching out of polyvinyl chloride plastic liquor bottles, the FDA imposed a temporary ban on the use of polyvinyl chloride in liquor bottles. In fact, there is still a healthy debate over whether or not polyvinyl chloride in clear plastic food wrappings, when heated as in microwave ovens, leaches the monomer. Thus, the industry, by designing research to "reassure the public" about the

safety of consumer products rather than to pursue the question with an open mind, was planning a research protocol that was at best self-serving. Similarly, the claim by industry that the motive for their concern for workers' health rings false when we consider that the industry refused to present to the workforce the results of the European research and did not even refer to its own research honestly. We did omit the fourth "element" about "their need to establish the program under conditions that would provide industry with the means to guarantee the objectivity of the program and the validity of the experimental conditions." If the goal of the research was to "reassure the public" a "guarantee" of objectivity is at best self-serving.

- **Advocacy and Oversimplification:**

Scranton charges that our book includes "unsupported accusations and rhetorical excesses" (p. 31) and that Deceit and Denial does not "comply with ... key professional standards concerning responsible advocacy and respect for the complexity of history in real time and real conditions." (Scranton p. 31) **We are not advocates for any position other than the truth of what industry did. Our documentation is from the industry's own memos, minutes and correspondence, not from critics of the industry.** He charges that we offer "no evidence or evidence from a single enterprise to sustain rhetorical claims about 'the industry' as a whole." As an example of this he cites Markowitz's six page "Report to the Court" which is not a presentation of evidence, but a summary of the argument in Deceit and Denial. Specifically, he criticizes Markowitz' Report for "repeatedly criticiz[ing] the VCM/PVC producers for not having done several things 'forthrightly,'" and that in doing so Markowitz "did not define this term or the process it was supposed to reference, nor did he provide any examples of forthright behavior by any party." (Scranton, p. 31) The reader should understand that Scranton is not speaking of our book, but of a brief six-page summary that is attached to our fully referenced 309 page timeline that was presented to the court. What he chooses to criticize is the definition of the word "forthrightly," rather than the substance of the Report. That Scranton would continue to focus on our vocabulary and descriptive terms in Markowitz' six-page report to the court merely shows the shallowness of his analysis.

Scranton next devotes two paragraphs (Scranton, pp. 31-32) to our use of the term "terrifying" (Scranton, p.5). As we extensively document throughout the chapters, the industry, faced by the threat of government regulation or possibly a ban of one of its most profitable and extensively distributed products, acted in ways that we interpret as evidence of being terrified, or at least evidence of their being worried in the extreme. We hope that Scranton does not see industry's deception of the government as "normal" behavior. Our entire chapter is a discussion of the response of industry when it realized that millions, if not billions, of dollars were at stake if consumers believed that vinyl chloride products were possibly carcinogenic and if OSHA imposed strict exposure standards for workers in VCM plants. Scranton also quibbles with our use of the word "never," spending half a page on this word and more paragraphs describing how we fail to use "may have" rather than "have." With 300 references supporting our argument, we have some right to tell the broad story.

Scranton (p. 32), quotes the beginning of a paragraph where we place in context industry's attempt to make itself appear as if it were working "openly and cooperatively" with government. He spends almost two pages citing this statement to argue that we are only involved in "advocacy and oversimplification." He criticizes our first sentence: "Given that industry documents remained secret, there was no way to understand that the industry had acted to hide from the government information about vinyl as a carcinogen." Again, in order to excuse industry actions he reverts to the argument that nothing could really be proven about the carcinogenic nature of vinyl chloride monomer. As discussed earlier, he hides behind the inexactness of science, refusing to acknowledge that the industry understood the import of Maltoni's information and kept that information from the government, the workforce and the public. He criticizes our second sentence: "As a result, the companies could still pass themselves off as working openly and cooperatively with the government." He argues, disingenuously, that we "diminish the firms' open and cooperative working relationship with the government." He may see the hiding of information and the planning of deception as a sign of openness and cooperation, but we do not. He considers our third sentence: "It would take decades for researchers and lawyers to shed light on industry documents and to learn of the cover-ups, denials and lies." (D&D, p.198). Scranton says we have not presented the historical evidence to support this. We believe any reasonable reader will, if they consult our book, our timeline, the industry documents and this discussion, find ample historical evidence to support our claims.

To Scranton, this is "advocacy and oversimplification." But to Dr. Anthony Robbins, who was the Director of NIOSH from 1978 through 1981, our discussion provides evidence of industry activities that were not known to those intimately involved in the issue of vinyl chloride and hardly "advocacy and oversimplification." In a very positive review of our book in the Journal of Public Health Policy Robbins related that while at NIOSH, "I needed to be on top of the vinyl chloride issues. Until I read Deceit and Denial I certainly believed that I had been an insider, had been well-informed about what had happened in the struggle to regulate vinyl chloride. How little I knew! How little I understood about industry efforts to manipulate the debate and influence the regulatory outcomes. For these classic cases, lead and vinyl chloride, this book tells much more than I knew, perhaps close to the whole story."³¹

Inadequate Documentation

This is one of the sillier accusations aimed at discrediting our book. Virtually all the reviews of Deceit and Denial comment on the superiority of the research. See, for example, the Reviews in American History (in which the book is praised as "virtually flawless"); the American Historical Review (in which the reviewer finds that our "access to private industry sources, which have long escaped the scrutiny of historians, provides a rich if very disturbing picture of internal politics and decision making at the corporate level"); reviews in Science, Business History Review, JAMA, The Lancet, New England Journal of Medicine, and numerous other journals which praise the research in this book.

³¹ Anthony Robbins, [Review of Deceit and Denial: The Deadly Politics of Industrial Pollution](#), Journal of Public Health Policy, 24(2003), 492-494.

Deceit and Denial has over 82 pages of endnotes for 306 pages of text. The two chapters critiqued by Scranton contain over 300 endnotes, many with multiple references.

Scranton (p.35) criticizes a reference in Markowitz' six page "Report to the Court" because it did not come from the document cited but came from another industry representative. He is correct that this was a mis-citation but, nonetheless, the point Dr. Markowitz was making is absolutely accurate and the quotation is absolutely correct. It should be noted that the quotation was from an internal memo from a representative who had attended the meeting in question and was summarizing the conclusions reached at the meeting. Scranton is correct that the industry group in question was not the MCA but it was the Vinyl Chloride Safety Association, another trade group that represented the subset of the chemical industry that specifically produced vinyl chloride. The members of this trade group were also members of the MCA. The important point about this document was that in private the companies admitted that acroosteolysis was "caused by repeated exposure to low concentrations of VCM (50 ppm)," a point they never revealed in public.³²

It is impossible for us to respond to all the mistakes and misstatements that appear on nearly every page of Scranton's statement. Hence, we briefly review just a few of the errors Scranton makes on page 35 of his allegations as an example of the kind of mistakes he makes throughout his report. Here Scranton alleges that "in Chapter 6&7 of D&D, not only did Markowitz offer multiple assertions for which he provided no references to sources, but he also erred repeatedly when citing sources for other claims and arguments." (Scranton, p.35). Specifically, he says that "in discussing Americans' ambivalence about plastics, [Markowitz] cited a 1998 article by Ashish Aurora and Nathan Rosenberg, but nothing there cited refers to this issue." We are quoting two specific parts of the chapter (not an article) in that book that make exactly the point we make. The Aurora and Rosenberg citation is to this sentence in our book: plastics "were offered to the new middle class at a fraction of the costs of the 'real thing' yet they were still recognized as 'mere imitations.'" We are correct in our use of this reference.

Also on p. 35 he alleges that we "offered an extended quote then cited a document in which it did not appear." In fact, the quote is in the very document that is referenced of the second full paragraph of the second page of the document.

Also on p. 35 he alleges that we "referenced a person's activities to a document in which the person was not mentioned." The point of the footnote was not to reference an individual's activities, but to document that the industry had been effective in delaying EPA action in lowering the vinyl chloride ambient air standard.

Also on p. 35 he alleges that we "provided unsupported quotes on several occasions." He cites two such "occasions." In the first he says that the document, Lucille C. Henschel to the Vinyl Chloride Audit Task Group, did not contain the quote: "the study by IBT is scientifically unacceptable." In fact, the document, which includes the Final Report

³² W.J. Boyle, Monsanto to W.F. Gabel re Vinyl Chloride Safety Association, Nov. 10-12, 1971 Meeting summary.

of the Audit Task Group, has that exact quote on p. 3 under the heading Conclusions and Recommendations.” He also says that the quote, “foul play by IBT,” did not appear in the May 10, 1980 Bob West document cited. Even here he is wrong. It appears in the notes of the VCM Technical Panel Meeting of May 14, 1980 that is also cited in the same footnote. Both references were cited so readers could examine the two documents. Scranton repeatedly lectures us that “such sloppiness should not appear in work offered as historical scholarship” (Pp. 35-36) when in fact it is his sloppiness that characterizes his critique of these pages. We acknowledge that errors slip into even the most careful scholar’s work, and we have no doubt that some appear in Deceit and Denial, but in this case Scranton is just wrong about the errors that he has claimed to find in our book. This one page is indicative of the nature of Scranton’s report on behalf of corporate defendants.

Scranton continues to mislead and mis-state right up to the very last page and footnotes. He dismisses our observation that a published article differed substantially from the unpublished report upon which it was based, saying that we do not understand that published results are shorter and more concise than full reports. Our point is that the published report left out the critical pieces of information regarding the relationship between vinyl exposure and disease that had been present in the original report (Scranton, p. 42, footnote 5). We noted that the published article was provided to, and edited by, the chemical industry, which might help explain why the critical pieces of information about the dangers of VCM were left out. He ignores our point, arguing that we are naïve about the length of articles typically published in professional journals and that shorter published papers don’t have every piece of data presented in longer reports. By ignoring our observation about what was, and was not, in the final report, he leaves the reader believing that the critical piece of information was left out in deference to the length of the report and that journal editors, not the industry’s people, made the decision to cut out the critical observation.

Similarly, Scranton (pp. 35, 42) argues, in his text and footnotes, that we are sloppy in our referencing since we supposedly have an inaccurate URL for a transcript of an interview with Terry Yosie, the American Chemistry Council representative speaking on camera in an interview following the airing of the Bill Moyers’ special, “Trade Secrets.” He argues that we inaccurately paraphrase Yosie’s remarks. He says: “[n]othing in [Yosie’s] remarks, reproduced on that transcript, establishes a basis for Markowitz’ assertion that ‘representatives of industry today... claim that the past is irrelevant.’”(p. 42) Here is the exact quote from the last page of the transcript at the url <http://www.pbs.org/tradesecrets/transcript.html>³³ and we ask the reader to decide whether or not our paraphrase is accurate:

Yosie: “I think you all know that what happened 40 years ago is no reflection of the kind of industry that we represent today.”

³³ Lest we are accused of inaccurate referencing again, please note that this URL may connect to the Trade Secrets homepage rather than directly to the “transcripts.” Simply go to the bottom of the page and click on “transcript” and you will be connected to the URL noted above.

Yosie's statement can easily be read as an attempt to distance today's industry from its past, to claim that the chemical industry is not the same as it was then. We found the comment of interest since Yosie, (while representing the ACC, the industry's trade association) also holds a doctorate from Carnegie-Mellon in history. From the beginning to the end, Scranton is guilty of not following through on data, misrepresenting what we say to suit his own purposes, and avoiding unpleasant facts.

Professional Ethics

Scranton overreaches in trying to depict our work as unscholarly and as violating professional standards. Throughout his discussion he characterizes us as "violating professional standards central to the historian's profession": we, he argues, "developed the conclusions supporting [our] advocacy position through inappropriately selective research, partial and distorted uses of sources, overvaluing sources' evidentiary weight, the rejection of contradictory evidence, rhetorical excesses, and an overarching rejection of the integrity necessary for professional expertise" (Scranton p. 40). Further, he asserts that we are unethical: "two serious ethical issues are entwined in Markowitz' use of sources and route to publication." First, he argues, that we "did not work through the documentary base accumulated by Plaintiff's counsel but rather that [we] asked for the 'types of documents [we] were interested in' which firm staffers selected and sent to [us]." (Scranton, p.39).

His accusation implies that we were "fed" documents by plaintiffs' attorneys. In fact, however, we spent more than three years sorting through primary materials. We spent several days in Lake Charles, Louisiana in the offices of the attorney then handling the case³⁴ where we were given unrestricted access to documents. In the course of our time there, we identified committees, technical task forces, executive files and minutes along with many other types of documents that we wanted to study. These committee minutes and other materials were sent to us en masse, as we requested. In the following months and years we continued to request specific sets of files and, in addition, the industry was required by the court to produce documents that it had withheld in whole or in part from plaintiffs' attorneys. Thus, the industry did not provide all of its documents at one time, but had to be compelled by the court to produce more documents as it became apparent that the industry was excising and redacting relevant materials. Throughout this whole process we continued to work through the original materials and to add to our timeline materials that came available to us. This was an extensive and rich archive that we sorted through. Just as in any research project of such a massive scale we may have missed some relevant documents. But, no documents have been presented to us that in any way alter the history we tell in Deceit and Denial. Furthermore, we have been open with the industry about our findings, providing them with the timeline in order to

³⁴ At the time Billy Baggett Jr. was the lone attorney working on vinyl chloride. He had virtually abandoned all other cases. He was working out of a single family house in the center of Lake Charles, Louisiana with a small staff. The downstairs of the house was literally filled from floor to ceiling and in every room with hundreds of thousands of documents in binders and in boxes. Since that time in 1995 when we began visiting this archive and researching our book other law firms have joined the case on behalf of the plaintiffs.

obtain their feedback. We received no objections from industry with regard to the accuracy of the timeline or the quotations from materials in the documents that we present in the timeline. Finally, Dr. Markowitz has willingly appeared for five days of deposition in which he was questioned by industry lawyers.³⁵

Contrary to Scranton's opinion, our research effort has been widely praised in the academic literature. In particular we have been praised for the range and thoroughness of our research as noted earlier. Without our research through thousands of industry documents this history would never have been uncovered. One need only consult our endnotes to appreciate the extraordinary effort that we undertook. But, further evidence of the massive work we performed is our 309 page timeline that abstracted and extracted short quotations from these thousands of documents. This timeline has proven useful for both plaintiffs' and defendants' attorneys alike in their efforts to identify materials never before studied by historians or lawyers for that matter. This timeline was critical in tracing industry activities and he is well-aware of its power, its accuracy and its substantive nature. Scranton's second accusation of ethical misconduct is that the review process "subverted confidential, objective refereeing of scholarly manuscripts (single- or double- blind) for this review was largely done 'among friends.'" (Scranton, p. 40). We would argue, in fact, that our manuscript was submitted for critical review to far more readers than is customary for the publication of academic books. Most manuscript are reviewed by two or three outside reviewers. Further, it is not at all uncommon for university presses to ask the authors themselves for suggested reviewers and in many cases reviewers are known to the authors. Our book was read and commented on by eight outside reviewers. As described earlier, these included well-respected historians, experts in industrial hygiene, the former head of the National Cancer Institute, the former chair of the Centers for Disease Control's Lead Advisory Committee, and the former head of the Louisiana Department of Environmental Quality. While we suggested the names of some acquainted with the vinyl chloride story and the history of industry and government, the Press and the Foundation, not us, picked the reviewers of the manuscript. Furthermore, the review process for Deceit and Denial was among the most intensive and rigorous events of our professional lives. All the reviewers were required to provide written reports on the manuscript as well as to attend a retreat with us, the editor from the press and the President of the foundation. For two days we discussed the manuscript and listened to critiques of our work in order to insure that our research and argument were as rigorous and accurate as possible. All the books in this series on health and policy published by the University of California Press and Milbank go through this review. We believe, in fact, that this process, far more rigorous than the usual review process for academic books, has resulted in a solidly researched and argued book, as reflected in the near-universal praise from academic reviewers in the scholarly journals.

Scranton concludes that our work "does not meet the standards the AHA and NCPH have established to define professional historical scholarship." (Scranton, p.40).

³⁵ Many of the allegations made by Dr. Scranton were first raised by industry lawyers during this deposition.

We will leave such judgment to our colleagues in the historical profession, asking them to read our book and judge whether or not such an accusation is warranted. We feel no need to defend ourselves from Scranton's own assertion of moral superiority. We do feel it is important to point out, however, certain elemental aspects of the AHA guidelines. Although Scranton implies the existence of specific and immutable AHA and NCPH guidelines, in fact the guidelines for professional scholarship are very general and very short. While they are quite laudable, it is disingenuous to claim that they are anything other than a work in progress. They are not meant as a bludgeon with which to attack others' scholarship.

The AHA guidelines on scholarship include "standards of civility." "The preeminent value of all intellectual communities is reasoned discourse – the continuous colloquy among historians of diverse points of view. A commitment to such discourse makes possible the fruitful exchange of views, opinion, and knowledge." Our book is an attempt to engage in such a dialogue. We feel that **Scranton, in his 40 page single spaced report, transforms disagreement into an issue of integrity and ethics. Had he simply disagreed with our interpretation of documents the decision as to who is more accurate could have been left to colleagues (and, in this case, a jury) to decide. Instead, he attacked our integrity and ethics. This has the effect of cutting off scholarly discussion and debate and undermines any attempt to foster a "fruitful exchange of views, opinion, and knowledge."** The critical discussion of industrial history and occupational disease must not be cut short nor should historians be intimidated by the obfuscation and legalistic arguments characteristic of lawyers trying to win their case at all costs -- in dollars as well as professional reputations. We offer this response to Scranton's attack on our work both as a defense of our scholarship and reputations and a defense of the right of historians to pursue their work without fear of intimidation.