

# Trials and Tribulations of Environmental Lead Research

Gerald Markowitz, PhD  
Distinguished Professor of History

John Jay College and  
CUNY Graduate Center

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*article* | Posted January 20, 2005

## Cancer, Chemicals and History

by JON WIENER

**T**wenty of the biggest chemical companies in the United States have launched a campaign to discredit two historians who have studied the industry's efforts to conceal links between their products and cancer. In an unprecedented move, attorneys for Dow, Monsanto, Goodrich, Goodyear, Union Carbide and others have subpoenaed and deposed five academics who recommended that the University of California Press publish the book *Deceit and Denial: The Deadly Politics of Industrial Pollution*, by Gerald Markowitz and David Rosner.

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told was "a warehouse of material" about vinyl chloride and cancer. The address they were given turned out to be a "decrepit hovel in the desolate

**BRIEF INTERLUDE:** What's the difference between peer review and judicial review? Some scholars are about to find out. Lawyers representing more than 20 chemical companies have taken the unusual step of issuing subpoenas to five peer reviewers of a scholarly book as part of litigation over the alleged health risks of a widely used chemical compound.

The peer reviewers, who are historians and

## Hot Type

He has agreed to serve as an expert witness for plaintiffs in several cases against the chemical companies. In the Mississippi case he was questioned by the defendants' lawyers for

subpoenas are required to appear for questioning and to deliver all drafts of their reviews, documents they had consulted in preparing the reviews, and correspondence about the book. Like others contacted by *The Chronicle*, Ms. Withey says she has never heard of another example of reviewers' being subpoenaed.

"It's a disturbing situation," she says. "It's

The peer reviewers, who are historians and health experts, have been summoned for ~~questioning~~ ~~this month in the case, which pits~~

"What seems to be happening here," says **Lynne Withey**, the press's director, "is that the defense attorneys are trying to discredit Jerry's testimony by discrediting the book. They're trying to discredit the peer-review process."

# Critique by Hired Gun

Far from representing dispassionate expert judgment, the report and the chapters are the product of sustained and repeated violations of applicable professional standards for historical scholarship.

A review of Markowitz's report and other work reveals that he has repeatedly 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.

From: Barb Noverini <barb@roundtablegroup.com>  
To: 'Gerald Markowitz' <gmarkowitz@jjay.cuny.edu>

Our attorney client is seeking an historian, highly credentialed and at a prestigious university, to perform some historical research and instruct a lay jury on what was known about a particular ~~constitutional~~ ~~historical~~ ~~dispute~~ ~~between~~ ~~1950~~ ~~and~~ ~~1960~~. The historian need not be a subject matter expert; our client is mainly interested to find an historian who is a good communicator; someone who can easily communicate a story to a lay jury.

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If you would be interested in being a candidate for this project and potentially serving as an expert witness/consultant or are interested in learning more about the case, I'd be delighted to hear from you. Simply reply to this email with a 1-2 paragraph statement of your Expertise for this project, a copy of your resume, and your current billing rate.

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RTG will present your information as part of a resume book to the Client, and if the client expresses interest we will arrange for a conference call in which you and the client can discuss the project and determine if there is mutual interest in going forward. If you are not

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# Lawyer, historian spar over lead paint

It was the second day of cross-examination of David Rosner, a key witness in the state's effort to prove that paint companies created a public nuisance by making and marketing lead-based paints two generations ago.

**BY PETER B. LORD**

JOURNAL ENVIRONMENT WRITER

PROVIDENCE — A paint company lawyer barraged Columbia University historian David Rosner yesterday with documents showing that the federal government specified the use of lead-based paints on schools and other public buildings for much of the last century.

Lawyer Donald Scott also presented a pile of articles from The Providence Journal and other publications in which doctors repeatedly blamed lead-poisoning cases on children gnawing on cribs and toys, rather than paints wearing off houses.

It was the second day of cross-examination of Rosner, one of the key witnesses in the state's effort to prove the paint companies created a public nuisance by

making and marketing lead-based paints two generations ago that continue to poison young children in Rhode Island.

Rosner contends the companies marketed the paints without any health warnings even though they knew the paints were highly toxic.

Scott tried to show that the dangers of lead-based paints weren't as obvious in the first half of the last century as they are now.

While Rosner agreed with many of Scott's points, he sparred politely with Scott all day and used every opportunity to insist that the dangers of lead paints were well known for many years and should have been avoided.

Scott presented several articles published in The Providence Journal in the 1930s and 1940s by D.L. Richardson, superintendent of Providence City Hospital (later known as Charles Chapin Memorial Hospital and now part of the Providence College campus).

The articles said children were being lead-poisoned by gnawing on beds or on lead shields used by nursing mothers.

A wire service article published in The Providence Journal in 1953 described several children around the country dying from lead poisoning after chewing on

painted surfaces.

Scott asked Rosner if he understood that the medical community at the time believed that eating non-food items, or pica, was the primary source of lead poisoning.

Rosner said he wasn't sure what doctors thought then. But he knew that pica was never a problem unless the item being chewed was covered with lead paint.

Scott also got Rosner to concede that while health and safety warnings are commonplace now on many consumer items, they were all but unknown on products decades ago.

But Rosner quickly added: "No other consumer products were quite as dangerous and had such a long history of knowledge about their dangers."

Citing a copy of a deposition Rosner gave last summer, Scott said Rosner testified that paint companies did warn consumers about the dangers of lead and he wondered if he was now changing his story.

No, Rosner said. That deposition addressed an advertisement taken out by a company selling lead-free paints. The paint companies that didn't use lead publicly chastised those that did to get a competitive

advantage, Rosner said. The companies selling lead-based paints never published warnings.

Scott presented a study in Baltimore showing hundreds of cases of lead poisoning, mostly confined to blighted properties.

"Would you agree that the focus was now shifting from eating cribs and toys to deteriorating paint" on houses? Scott asked.

No, Rosner responded. The dangers on houses had been known for decades. Now it was just being observed "on a massive scale."

Scott showed Rosner another story that ran in The Providence Journal on Nov. 11, 1951, about a new law restricting interior use of lead paints in Baltimore. Scott asked Rosner if he would accept that the law was widely publicized.

No, Rosner said. The story just showed that the "cat was out of the bag."

Scott asked Rosner what he meant by that. The historian responded: "By 1951, the cat was out of the bag — the knowledge that lead was poisoning children for more than 50 years."

Scott moved to have that response stricken from the record.

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for it. For this salary he has not to work eight hours a day for six days in the week, but every day in the year, and even every hour in the day he is bound to be ready to take up his heavy burden. Other men have, with Sundays and public holidays, about two months in the year for rest and recreation; for the unfortunate lodge doctor there is no provision for a holiday annual or otherwise. The inevitable breakdown in health which must follow such a service makes it dear at any price. We feel that we are right in advising men against selling themselves into such slavery: for

“There is a tide in the affairs of men,  
Which taken at the flood leads on to fortune;  
Omitted, all the voyage of their life  
Is bound in shallows and miseries.”

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#### A PLEA FOR PAINTED RAILINGS AND PAINTED WALLS OF ROOMS AS THE SOURCE OF LEAD POISONING AMONGST QUEENSLAND CHILDREN.

By J. Lockhart Gibson. M.D. (Edin.), M.R.C.S. (Eng.), Brisbane, Hon. Ophthalmic Surgeon, Brisbane Hospital for Sick Children.

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I HAVE had recently under my care four fresh cases of the very definite condition which I described\* as “ocular neuritis, simulating basal meningitis—plumbism.” The appearance of so many cases at the same time, all of them fairly severe ones, though fortunately not of very long standing, and all of them cases which, in my opinion, would have suffered from permanent blindness unless removed from their surroundings, and possibly also

blue line on the gums, indicating the presence of lead circulating in the blood, but not in sufficient quantity to cause the distinctive poisonous symptoms.

It is known that lead when it gains entrance to the body is very slowly excreted by the kidneys, and in some undoubted cases of lead poisoning the Government Analyst has failed to find it in the urine, while finding it in other cases exhibiting absolutely identical symptoms. This lent colour to the belief that defective excretion in some children was a reason for their selection as those showing poisonous symptoms. I hope to-night to furnish a better explanation than idiosyncrasy for the selection in a family of victims to lead, and also to get rid of the idea that only small quantities are ingested. Shortly, I am able, I believe, and advance a very strong plea for painted walls and railings as the source of the lead, and for the biting of fingernails or sucking of fingers, as in a majority of cases, the means of conveyance of the lead to the patient. My own personal experience is now, of course, confined to the cases exhibiting eye symptoms unaccompanied by other paralytic symptoms; but I am quite satisfied that except in isolated cases the source of the poison is the same in all Queensland children affected. It is possible that some of you have long recognised paint as a source. To my shame, I cannot remember to have done so, and I cannot remember to have ever heard it discussed as a source, or even seriously stated to be one. Mr. Henderson, the Government Analyst, says that he suggested it, but that the idea was pooh-poohed.

*The Australasian Medical Gazette, April 20, 1904.*

LEAD POISONING IN CHILDREN WITH ESPECIAL REFERENCE  
TO LEAD AS A CAUSE OF CONVULSIONS.<sup>1</sup>

BY KENNETH D. BLACKFAN, M.D.,

BALTIMORE, MARYLAND.

We are indebted to the Australian writers Gibson, Love, Turner, Breinl and Young and others for much of the recent literature regarding lead poisoning in children. They have had an unusually good opportunity to study this condition. Thus, in the Brisbane Children's Hospital, 76 cases were seen in five years and Gibson himself observed 24 cases in six years.

I shall not attempt to give a complete review of the literature on the subject, as the chief object of this communication is to draw attention to lead as a cause of convulsions in children and to report 4 cases seen in Dr. Howland's clinic at the Harriet Lane Home, the Johns Hopkins Hospital. For the more important articles, the reader is referred to those from which I have freely quoted.<sup>2</sup>

<sup>1</sup> From the Harriet Lane Home, Johns Hopkins Hospital, and the Department of Pediatrics, Johns Hopkins University.

<sup>2</sup> Gibson, Love, Hardie, P. Bancroft, Jeffris Turner: Notes on Lead Poisoning as Observed in Children in Brisbane, Intercolonial Medical Congress of Australasia, Sydney, 1892, p. 76. Gibson, Lockhart: Ocular Neuritis Simulating Basal Meningitis Plumbism, Australasian Med. Gaz., October 20, 1897, p. 479. A Plea for Painted Railings and Painted Walls of Rooms as the Source of Lead Poisoning Among Queensland Children, Australasian Med. Gaz., 1904, xxiii, 149. The Importance of Lumbar Puncture in the Plumbic Ocular Neuritis of Children, Tr. Australasian Med. Congress, 1911, ii, 750. Breinl and Young: The Occurrence of Lead Poisoning Among North Queensland Children, Ann. Trop. Med. and Parasitol., 1914-15, viii, 475. Turner, Jeffris: Lead Poisoning Among Queensland Children, Australasian Med. Gaz., 1897, October 20, p. 475.



# Cater To The Children

Do you make it a point in your store to show courtesy to your youthful customers? Do you give them the same consideration and attention that you do the older folks, or do you brush them aside as of less importance?

Have you stopped to think that the children of today are the grown-ups of tomorrow and that a child is particularly quick to remember a kindness and slow to forget a slight or an injustice?

A busy parent sends a child—perhaps a shy little girl—to make a purchase. If there is a choice of stores, the child naturally makes a practice of

going where she is made to feel welcome and where she is waited on promptly. She wins approval for doing her errand quickly and it takes less time from her own interests.

This is one of the seemingly small matters which many successful merchants consider worth attention.





## PAINTING THE HOUSE THAT JACK BUILT

### Do Not Forget the Children— Some Day They May Be Customers

We are not even overlooking the children in our campaign for a record paint business this fall. The children's paint book, which is reproduced in only two colors above, carries a paint message to the grown-ups, while its jingles and "pictures" amuse the little ones. Moreover, in the back of the book there is a special paint message to the parents.

By all means do not hand out these children's paint books at random. One way is to hand a copy to each youngster who comes into your store *with a parent*. Parents appreciate little attentions of this sort paid their children. They like to trade at stores where the youngster is not overlooked. Another effective method is to mail the paint books to the children of prospective customers. Accompany the book with a pleasant little personal letter, working in subtly a few references to your store and the "Save the Surface" idea. There are other ways to distribute these clever little books, which you no doubt will work out to your advantage. Order a supply of these children's paint books today.



# Finger Prints



**T**HERE is no cause for worry when fingerprint smudges or dirt spots appear on a wall painted with Dutch Boy white-lead. A little soap and water will remove them easily without harming the paint or marring the beauty of the finish. Painted walls are sanitary, cheerful and bright.

We carry a complete line of painting supplies including Dutch Boy white-lead, linseed oil, flattening oil, brushes and all other accessories.

Visit our store and let us help you plan your home decoration.

Dealer's Name and Address Here

No. DF-25



The  
Dutch Boy's  
Hobby

A Paint Book for  
Girls and Boys



## CHILDREN'S PAINT BOOKLET

PARENTS are always interested in the things that interest their children. There is no question but that the Dutch Boy paint book interests youngsters. Distributing this booklet, therefore, to children in your neighborhood will bring you to the attention of their parents, identifying your store as headquarters for the Dutch Boy white-lead they see advertised in newspapers.



*Give Coupon to Father or Mother*

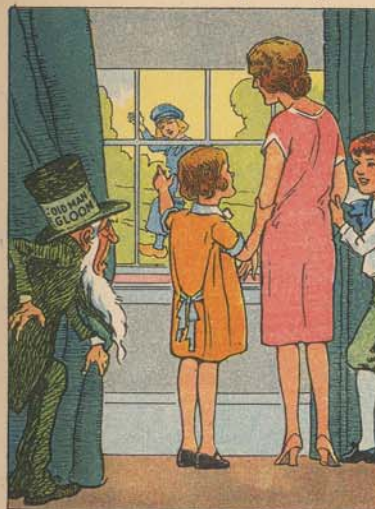


The girl and boy felt very blue  
Their toys were old and shabby too,  
They couldn't play in such a place,  
The room was really a disgrace.



All gray and old with nothing bright,  
It surely was a sorry sight,  
And yet that poor neglected room  
Was the delight of Old Man Gloom.

*Give Coupon to Father or Mother*



But all at once they chanced to spy  
The Dutch Boy Painter passing by.  
"Oh Mother!" each one cried with joy,  
"Please let us play with that nice boy!"



Then Old Man Gloom got very mad  
He didn't like that Painter lad.  
He didn't want him 'round at all.  
But mother asked the boy to call.

*Give Coupon to Father or Mother*



And as the work went on and on  
The old and shabby room was gone  
And sunny colors, soft and gay,  
Made it a lovely place to play.

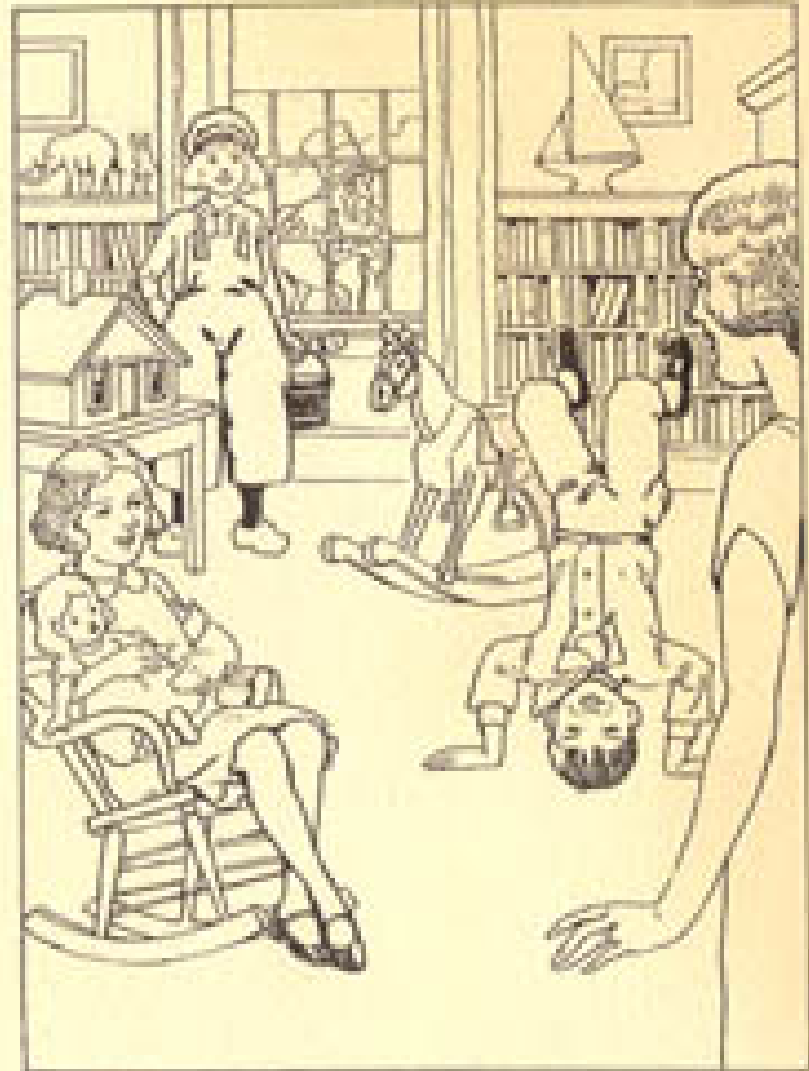


Then Old Man Gloom cried: "It's a fact  
That I will have to change my act.  
My work is all undone!" he said,  
"By Dutch Boy art and Dutch Boy Lead!"

*Give Coupon to Father or Mother*



And when the Dutch Boy closed his stay  
That happy home was bright and gay,  
For he had beautified each room  
And fairly routed Old Man Gloom.



He said, "I'd really like to tell,  
That I paint outside just as well  
And houses shine where'er I spread  
Their outside walls with Dutch Boy Lead."



New York, N. Y.

December 12, 1930.

A meeting of the Board of Directors was held at the Down Town Association, New York City, on Friday, December 12th, at 12:30 P. M.

- (3) Lead Poisoning - Of late we have received much undeserved publicity in newspapers damaging to lead products. The U. S. Daily gave prominence to a report of babies and children allegedly being lead-poisoned by chewing paint on cribs. The New York Daily News (circulation 1,300,000 daily) gave front page pictorial publicity to an alleged case of the poisoning and prostration of women breathing "lead fumes". We began prompt investigation of both reports. In the crib case we found from a survey among the principal crib manufacturers that only one used lead paint. The chance of a child contracting lead poisoning from contact with cribs is, therefore, negligible. In the "Paint Fume" case our investigation disclosed that lead had nothing to do with the matter. The attending doctor stated that the victims had been overcome from depletion of oxygen working in an overcrowded room with windows closed, an open gas burner in operation and painting going on.

We are also assisting the Charleston Water Works in investigating an alleged local case of lead poisoning.

The general problem of how to establish a good name for lead and to counteract such unfair and unfavorable

LIA00040

No problem facing the lead industry appears to me more important than the public and private attitude toward lead because of its toxic qualities. The over present anxiety, most of it needless, about old and new products of lead, is of serious concern to the industry. We are giving much thought currently to setting up a program more comprehensive than any in which the Association has already engaged, to help bring about a better attitude on the part of the doctors and the public on lead in line with the facts.

Lead Industries Association Annual Meeting, May 29, 1945

Quoted from LIA Annual Meeting Minutes, Report of the Secretary, Summarizing the Activities of the Lead Industries Association for the Year 1945, April 26, 1946.

**“Attention to the serious problem faced by all the lead industries because of the toxic nature of our metal is occupying a growing rather than diminishing amount of the association’s time. This is largely owing to attacks upon lead that cannot be ignored for, if unchallenged, they may very easily lead to the sponsoring of totally unwarranted State and Federal legislation of a regulatory or prohibitive character.**

In bulletins to our members we have related from time to time the results of our lead hygiene investigations which have frequently disclosed inaccurate medical work.

**Suffice it to say here that this is an unending battle from which we can only withdraw at our peril.** Fortunately, medical research on lead is becoming more complete and reassuring as time goes on and we have nothing to fear from the truth. In this connection I am pleased to report that the American Medical Association and the Lead Industries Association, with the cooperation of the United States Public Health Service, will hold a colloquium or symposium on lead at the fall convention of the American Medical Association which should go far to clearing up misunderstanding about lead in the rank and file of physicians. The project promises to be an outstanding one.”