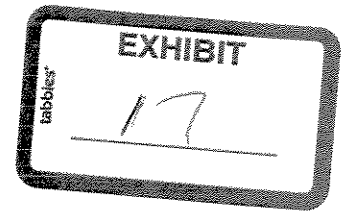


The Facts

"I was provided with additional input that was radically different from the truth. I assisted in furthering that version." - Oliver North



The EPA Report

The Facts

In December of 1992 the EPA released it's now famous report on second hand smoke. The report claimed that SHS causes 3,000 deaths a year, and classified it as a class 1 carcinogen.

Understanding The Numbers

This was, and remains, a powerful weapon in the anti-smokers arsenal. If a smoker is only hurting himself, he can argue that it's not one else's business. But if he is hurting everyone around him, all kinds of restrictive legislation can be justified.

[Ads by Google](#)

Epidemiology 101

Death Records
Search death records nationwide. Get name, date of death, and more.
www.peoplefind.com

Epidemiology 102

Is SHS really deadly? Let's examine the facts carefully.

Fact: In 1993 the EPA issued a report which claimed that Environmental Tobacco Smoke (ETS) caused 3,000 deaths per year.

Studies

Fact: ETS is commonly referred to as Second Hand Smoke (SHS). The two terms are interchangeable.

Death Records
Find death records on anyone in the US. Free summary.
www.public-records.com

The EPA Report

After reading each of the following facts, ask yourself "Does this fact make the study more credible, or less credible?"

The WHO Study

Fact: The EPA announced the results of the study before it was finished.

Fact: The study was a Meta Analysis, an analysis of existing studies.

UK Death Statistics 1984-2003
Search ever death records in England & Wales. Instantly.
www.tracesmar.com

Smoking Bans And Businesses

Meta Analysis is very difficult to do accurately, and is the easiest kind of study to fake and manipulate. With a disease as rare as lung cancer, leaving out just a few important studies can skew the results considerably.

Businesses Harmed

The term "Meta Study" is often used to describe this type of report, but the word "study" is inaccurate. The EPA has never conducted nor financed a single ETS study. They have only analyzed the studies of others. It is more accurate to refer to it as an analysis, and to its publication as a report.

Search US records
Find records for all 50 US states. Get started free trial.
genealogy.com

Ban Studies

Ban Links

Fact: The first step in a meta analysis is identifying all of the relevant studies. The EPA located 33 studies that compared ETS exposure to lung cancer rates.

A rectangular button with a dark, textured background and a thin border. The text "Fighting The NYS Ban" is written in a serif font, with "Fighting The" on the top line and "NYS Ban" on the bottom line.A rectangular button with a dark, textured background and a thin border. The text "Odds and Ends" is written in a serif font.A rectangular button with a dark, textured background and a thin border. The text "The Truth" is written in a serif font.A rectangular button with a dark, textured background and a thin border. The text "Agendas" is written in a serif font.A rectangular button with a dark, textured background and a thin border. The text "Links" is written in a serif font.

Fact: The EPA selected 31 of the 33 studies. Later they rejected one of their chosen studies, bringing the total to 30.

Fact: On page 3-46 of the report the EPA estimates, based on nicotine measurements in non-smokers blood, "this would translate to the equivalent of about one-fifth of a cigarette per day."

Fact: Studies that measured actual exposure by having non-smokers wear monitors indicate even this low estimate is exaggerated. Actual exposure (for people who live and/or work in smoky environments) is about six cigarettes *per year*. (See also the study by Oak Ridge National Laboratories.)

Fact: In 1995 The Congressional Research Service (CRS) released a review of the EPA report.

The CRS was highly critical of both the EPA's methods and conclusions.

Fact: According to the CRS "The studies relied primarily on questionnaires to the case and control members, or their surrogates, to determine EST exposure and other information pertinent to the studies.

Questionnaires can be notoriously inaccurate, as discussed in Epidemiology 102, but in this case some of them were not even filled out by the people being studied, but by "surrogates." In other words, some of the information was unverified hearsay.

Fact: The CRS pointed out that "from a group of 30 studies, . . . six found a statistically significant (but small) effect, 24 found no statistically significant effect and six of the 24 found a passive smoking effect opposite to the expected relationship."

Fact: Three other large US studies were in progress during the EPA's study. The EPA used data from one uncompleted study, the Fontham study, and ignored the other two, Brownson and Kabat.

Fact: The Fontham study showed a small increase in risk. The CRS report referred to it as "a positive risk that was barely statistically significant." (p. 25)

Fact: The CRS report said the Brownson study, which the EPA ignored, showed "no risk at all." (p.25)

Fact: The "scientists" who conducted the Fontham study refused to release their raw data for years. Philip Morris recently won a lawsuit to gain access to it.

Most researchers routinely make their raw data available after studies have been published. Does Fontham's refusal to make the data available make them more or less credible?

Fact: The EPA based their numbers on a meta analysis of just 11 studies. The analysis showed *no* increase in risk at the 95% confidence level.

Fact: Even after excluding most of the studies, the EPA couldn't come up with 3,000 deaths, but they had already announced the results. So they doubled their margin of error. Let me repeat that, because it may seem hard to believe: After failing to achieve their pre-announced results by ignoring half of the data, *they doubled their margin of error!*

Would any legitimate epidemiologist keep their job if they were caught doubling their margin of error to support a pre-announced conclusion?

Fact: After juggling the numbers, The EPA came up with an RR (Relative Risk) of ETS causing lung cancer 1.19. In layman's terms that means:

- Exposure to the ETS from a spouse increases the risk of getting lung cancer by 19%.
- Where you'd usually see 100 cases of cancer you'd see 119.

Fact: A RR of less than 2.0 is usually written off as an insignificant result, most likely to be due to error or bias. An RR of 3.0 or higher is considered desirable. (See Epidemiology 101 for more details.)

This rule is routinely ignored when the subject is second hand smoke.

Facts: In review: The EPA *ignored nearly two-thirds of the data*. The EPA then *doubled their margin of error* to come up with their desired results. Even with all this manipulation, the numbers are *still* far too low to be considered statistically significant.

Fact: Although the EPA declared ETS was a Class A carcinogen with an RR of 1.19, in analysis of other agents they found relative risks of 2.6 and 3.0 insufficient to justify a Group A classification.

Fact: In 1998 Judge William Osteen vacated the study - declaring it null and void after extensively commenting on the shoddy way it was conducted. His decision was 92 pages long.

Fact: Osteen used the term "cherry-picking" to describe the way the EPA selected their data. "First, there is evidence in the record supporting the accusation that EPA "cherry picked" its data. Without criteria for pooling studies into a meta-analysis, the court cannot determine whether the exclusion of studies likely to disprove EPA's a priori hypothesis was coincidence or intentional. Second, EPA's excluding nearly half of the available studies directly conflicts with EPA's purported purpose for analyzing the epidemiological studies and conflicts with EPA's Risk Assessment Guidelines."

Fact: Osteen found other deep flaws in the EPA's methodology. In his judgment he stated: "The record and EPA's explanations to the court make it clear that using standard methodology, EPA could not produce statistically significant results with its selected studies. Analysis conducted with a .05 significance level and 95% confidence level included relative risks of 1. Accordingly, these results did not confirm EPA's controversial a priori

hypothesis. In order to confirm its hypothesis, EPA maintained its standard significance level but lowered the confidence interval to 90%. This allowed EPA to confirm its hypothesis by finding a relative risk of 1.19, albeit a very weak association. EPA's conduct raises several concerns besides whether a relative risk of 1.19 is credible evidence supporting a Group A classification. First, with such a weak showing, if even a fraction of Plaintiffs' allegations regarding study selection or methodology is true, EPA cannot show a statistically significant association between ETS and lung cancer."

Fact: The following is another direct quote from Judge Osteen's decision: "In this case, EPA publicly committed to a conclusion before research had begun; excluded industry by violating the Act's procedural requirements; adjusted established procedure and scientific norms to validate the Agency's public conclusion, and aggressively utilized the Act's authority to disseminate findings to establish a de facto regulatory scheme intended to restrict Plaintiffs, products and to influence public opinion. In conducting the ETS Risk Assessment, disregarded information and made findings on selective information; did not disseminate significant epidemiologic information; deviated from its Risk Assessment Guidelines; failed to disclose important findings and reasoning; and left significant questions without answers. EPA's conduct left substantial holes in the administrative record. While so doing, produced limited evidence, then claimed the weight of the Agency's research evidence demonstrated ETS causes cancer. Gathering all relevant information, researching, and disseminating findings were subordinate to EPA's demonstrating ETS a Group A carcinogen."

Most of the media ignored the judge's decision.

When confronted with this decision, many anti-tobacco activists and organizations harp on the fact that Judge Osteen lives in South Carolina. The obvious implication is that he's influenced by the tobacco industry in his state. It may also be an appeal to the "stupid southerner" stereotype.

Fact: Judge Osteen has a history of siding with the government on tobacco cases.

Fact: In 1997 Judge Osteen ruled the FDA had the authority to regulate tobacco.

So much for his alleged bias.

Fact: Although this study has been thoroughly debunked by science and legally vacated by a federal judge, it is still regularly quoted by government agencies, charity organizations and the anti-smoking movement as if it were legitimate.

Fact: Anyone referring to EPA classifying ETS as a Class A carcinogen is referring to this study.

Opinion: You should seriously question the credibility of anyone who refers to this study, or any of the conclusions that it reached, as if they were facts. That includes everyone who refers to the EPA's ruling that ETS is a Class A Carcinogen. Once they do, every subsequent statement they make should be considered highly suspicious until it is thoroughly verified.

Fact: Most of the information on this page was gleaned from Judge Osteen's 92 page decision, the CRS report, and the EPAs study.

You are strongly encouraged to read these documents yourself. You can find the judge's entire decision here. The CRS report is available here. The EPA report over six hundred pages long, and we recommend you order a hard copy. It is available to US citizens at no charge. Call (800) 438-4318 and ask for document EPA/600/6-90/006F. The title of the report is "Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders." It is also available as on line as a pdf file. It is nearly four megabytes, so it may take a while to download.

Fact: Carol Browner, the former head of the EPA, *still* insists that this study is valid!

More Information

More ETS information from FORCES.

Enough facts, already. Now for some opinions:

Sidney Zion, in the New York Daily News

Steven J. Milloy in the Washington Times

The LA Times on the EPA's agenda

© 2000 - 2004 Dave Hitt

[Home](#) | [Contact Us](#)