



**Pesticide
Action
Network**
Europe

**Complaint conflict of
interest**

Brussels, 6-12-2018.

Contact : Hans Muilerman
hans@pan-europe.info
tel. 0031655807255.

To: Mr. Carlos Moedas
European Commissioner for Research and Innovation
European Commission
B-1049 Brussels.
cab-moedas-contact@ec.europa.eu
jeremy.bray@ec.europa.eu

Concerning: PAN Europe complaint on conflicts of interest in SAPEA/SAM.

Dear Commissioner Moedas, we like to get your attention regarding the work of the group of Chief Scientific Advisors (SAM), an independent expert group of the European Commission, and the expert group SAPEA (funded by EU Horizon 2020 programme) that is part of SAM and provides evidence and information to the Chief Scientific Advisors. The SAPEA-report "Improving authorisation processes for plant protection products in Europe: a scientific perspective on the assessment of potential risks to human health" was published in 2018 as a contribution to the work of SAM and published at the same time as the SAM-report "EU authorisation processes of Plant Protection products", <https://ec.europa.eu/research/sam/index.cfm?pg=pesticides>

In the acknowledgements of the SAM-report (page 5) we note the name of Mr. Boobis as one of the SAPEA-experts and then all alarm bells started ringing. Mr. Boobis is, for a big part of his career, connected to ILSI (International Life Sciences Institute), even functioning in the Board of Trustees of ILSI. ILSI is an organisation sponsored by pesticide industry, while pesticides are the central topic of the SAPEA-report. Mr. Boobis is defending ILSI/industry positions and published many times opinions and recommendations together with industry employees. For his conflicts of interests he was expelled from Food Authority EFSA panels some years ago.

We asked questions about the potential conflict of interests of Mr. Boobis and the experts contributing to the SAM-report to a member of SAM and on July 19, 2018 we got a reply from your staff member Mr. Bray, saying: "*The Group of Chief Scientific Advisors, of which Professor Dykstra is the deputy Chair, is an independent expert group of the European Commission. As a general principle, and as is stated in their recent scientific opinion on Plant Protection Products, the scientific advisors "underline the importance of making use of {...} expertise while appropriately managing any interests they may have". Professor Boobis completed a declaration of interest prior to his involvement with the project, and this was not found to constitute a conflict of interest by the European Commission.*

Additionally, the Group of Chief Scientific Advisors considers that Professor Boobis' interests were appropriately managed during the process in which he contributed his expertise (specifically related to assessing the risks associated with chemical mixtures). The multi-author SAPEA Evidence Review Report is one strand of evidence considered by the Group of Chief Scientific Advisors in the development of their Scientific Opinion, and was itself reviewed by independent experts on two occasions.

I trust that this addresses your concerns and thank you for your interest in the work of the Scientific Advice Mechanism.”.

Given the very general answer, our doubts remained. We send additional evidence on potential conflicts of interest to your DG, but received no further reaction to this evidence. We also started looking for more information, among others by asking documents from your DG. As a result, after 2,5 months of delay because of the “very large number of documents”, we received no documents but only a link to written ‘Declarations of Interests’ on the SAM website, <https://ec.europa.eu/research/sam/index.cfm?pg=pesticides>, declarations that were not available on the website at the launch of the SAM-report. One of the declarations was even signed on August 2, 2018.

When we took a look at the Declarations of Interest (DoI), we noted that important information was missing for several of the experts invited to provide input for the SAM-report (SAPEA-experts and those of a “sounding board”, established by the Group of Chief Scientific Advisors) and some of the information was misleading. Because of this missing and misleading information in the Declarations of Interests, it is hard to understand how these declarations can be “adequately managed” by those in Commission/SAM having evaluated the DoI’s and how you arrive at the conclusion that the information is not found to constitute a conflict of interest by the European Commission.

We started an investigation.

In the Annex you will find the outcome of our (not exhaustive) investigation, showing that several experts failed to include relevant information in their Declarations and/or included misleading information. A clear breach of trust. SAPEA writes in its Guidelines on Advising Policymakers and Society & Procedures for Quality Assurance of Scientific Advice on conflicts of interest: *“Conflict of Interests” of the aforementioned Grant Agreement states that the beneficiary must take all measures to prevent any situation where the impartial and objective implementation of the action is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest (‘conflict of interests’). They must formally notify to the Commission without delay any situation constituting or likely to lead to a conflict of interests and immediately take all the necessary steps to rectify this situation. The Commission may verify that the measures taken are appropriate and may require additional measures to be taken by a specified deadline”.* They must notify Commission. But apparently they didn’t.

So why did SAPEA/SAM recruit these experts without checking the information provided, without checking their background or find out about their (not disclosed) interests or opinions? And at what time were these declarations available, since at least one was signed after the publication of the SAM-report, others only in February 2018? And why did SAPEA and Commission/SAM just took the written DoI for granted? How

are the DoI's controlled and enforced? And why was Commission not notified? We like to get your answer to these questions.

The DoI exercise seems to miss important information and therefore cannot adequately manage conflicts of interest in SAPEA and Commission/SAM.

We also refer to the Commission website on ethics,

<https://ec.europa.eu/programmes/horizon2020/en/h2020-section/ethics> , saying : *"It also includes the avoidance of any breach of research integrity, which means, in particular, avoiding fabrication, falsification, plagiarism or other research misconduct"* and concludes: *"Ethics is given the highest priority in EU funded research: all the activities carried out under Horizon 2020 must comply with ethical principles..."* while http://ec.europa.eu/research/participants/data/ref/h2020/wp/2016_2017/main/h2020-wp1617-swfs_en.pdf (page 41) states: *"In case of breaches of these principles, the economic, social and environmental impact can be significant. Relevant principles are e.g. to only provide policy advice in fields related to one's expertise, to distinguish ideology from science, to state clearly limitations to one's scientific results, and be transparent on potential conflicts-of-interests"*. To distinguish ideology from science!

We therefore trust that you will treat the information we provide with the highest priority and, if you agree with our assessment, take action to restore trust.

Our complaint is about missing information but also about misleading information. Missing information is a breach of trust and Commission should take action. Commission should investigate our complaint, exclude those that caused a breach of trust and revise the report. This also counts for the misleading information. One expert for instance suggests that he contributed to a scientific body while in reality it is an interest group he is linked to. All detailed information we collected in our investigation can be found in the Annex to this letter.

It is very remarkable to note that, as a result, SAM used an evidence report of SAPEA and a 'sounding board' with several experts recruited that have a biased opinion. Experts, that are part of specific political lobby groups and have been campaigning on pesticide risk assessment for several years with the objective to stop or minimise regulation. The previous EU science advisor, Prof. Glover noticed a controversy between two vocal pressure groups of experts on risk assessment. One group that opposes regulation send a letter to Ms. Glover, : "Letter to prof Glover Dietrich Boobis group 2013" and blamed the other group that promotes regulation (for endocrine disrupting pesticides): "Bergman cs response endocrines". Ms. Glover invited representatives of both squads to her office to find a compromise. She even succeeded in finding a written compromise but unfortunately both groups kept on campaigning, soon forgetting about the compromise.

It is sad to note that Prof. Glover's successors, SAM, rely on experts from just one of the two pressure groups, the one that opposes regulation. SAM would better have excluded members of both groups but certainly should not have invited members of one of the groups only.

Likely not coincidentally, the campaigning targets of the invited group (promote use of historical control data, promote mode-of-action assessment over adverse outcome testing, relax requirements for industry (no mouse testing), etc.) are included in the SAPEA-report, while the campaigning targets of the other group (low dose effects taken

into account, non-monotonic dose-effect responses taken into account, mandatory testing for endocrine disruption, safe thresholds questioned, etc.) are missing in the SAPEA report.

We urge you to investigate the cases, report the outcome to us, and,

1. make sure that experts with a conflict of interest/member of pressure group (potentially the 4 experts we identified in the SAM-acknowledgement group but possibly more) cannot be a member of SAPEA (or SAM sounding board) anymore nor any other Commission initiative in the future;
2. review the SAPEA/SAM reports that have been drafted with these experts (potentially the experts we identified but possibly more) by completely independent scientists and revise them;
3. exclude SAPEA (and sounding boards) from advising SAM for the time being as long as no strict conflict of interest policy is adopted at SAPEA (no link to commercial interests whatsoever should be acceptable);
4. put in place an effective mechanism to control 'Declarations of Interest' documents to make sure that these infringements will not happen anymore in future in line with art. 11.3 of Commission Decision 3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups or change this Commission Decision if needed with effective enforcement measures;
5. state as your policy that either stakeholders from all sides are invited as an expert in drafting reports of opinions for Commission (in a balanced way), or - alternatively- exclude experts that are (or have been) part of political lobbying groups or interest groups.

We are looking forward to your reply.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Hans Muilerman', written in a cursive style.

Hans Muilerman,
Pesticide Action Network.

ANNEX.

1. Mr. Boobis, information not included in his Declaration of Interest, or misleading information included:

- DoI, Item 1b (consultancy),

Mr. Boobis mentions one consultancy of a pesticide company, while in reality there have been more consultancies with a range of chemical/pesticide companies (Astellas Pharma, Sumitomo, Chemical (UK) Plc, Proctor & Gamble, Howrey LLP, Endura Fine Chemicals, DuaneMorris, GlaxoSmithKline - Support by Industry) see attached document “Boobis consultancies 1”, page 41 and “Boobis consultancies 2”, page 33. These consultancies are reported in 2011 and are still relevant, also if they are older than 5 years. DoI’s should include all consultancies in someone’s career.

- DoI, Item 2a/b (decision-making process/scientific advisory body).

Mr Boobis misleadingly includes his work for industry-sponsored lobby group ILSI in this part, 2a/b. ILSI global includes over 400 company members and ILSI Europe 88 (see document “ILSI Europe members” and link: <http://ilsi.eu/membership/> . Sourcewatch concludes on ILSI: “In the past ILSI defended tobacco industry but now they learned to form a global coalitions of food, pharmaceutical, tobacco, energy and other industries to fight health and environmental regulations”,

(https://www.sourcewatch.org/index.php/International_Life_Sciences_Institute).

One of the main activities of ILSI is to design methods for risk assessment that result in a favourable outcome of risk assessment of chemicals (they are ‘safe’). PAN Europe research, [Writing IOR](#) , demonstrated that ILSI was at the design-table of 8 of the 12 EU risk assessment methods surveyed (see pages 72/73), indeed industry “writing its own rules”. This is a major conflict of interest. There is little doubt that ILSI is a lobby organisation with the objective to persue adopting their methods at political level and by placing their experts (as independent academic scientists) in regulatory panels, at EFSA, at WHO/JMPR, at IPCS, etc. (see ILSI linked experts in WHO/IPCS: “IPCS human relevance Boobis, Meek, Schlatter, Doe” and see ILSI-linked experts in FAO/JMPR: “Boobis Piersma Moretto JMPR 2016”, and Boobis/ILSI in EFSA, see [Toxic mixture](#)), see also <https://usrtk.org/pesticides/conflict-of-interest-concerns-cloud-meeting-as-international-experts-review-herbicide-risks/>. It is therefore misleading that Mr. Boobis puts his ILSI-work under “participation in a decision-making process” or “participation in the work of a scientific body” as he does. We -additionally- demonstrate his opinions with a few examples of the type of articles Mr. Boobis/ILSI publishes with industry employees. In attached documents, “Boobis and industry on liver tumours not being relevant for humans”, “Boobis and industry synergy not relevant”, “Boobis and industry always safe levels for chemicals”, “Boobis and industry trying to prevent banning of carcinogens”, generally the harms of chemicals and pesticides are downplayed and safe use promoted.

The work Mr. Boobis is reporting here should have been reported under 6b “represented interests”, just as his other activities for industry such as ECETOC and CEFIC, both umbrella organisation for European chemical and pesticide companies. And just as the work he did for industry-managed (EU-funded) projects such as BRAFO, COSMOS, ACROPOLIS. This preference of working is also reflected in the attached document “Boobis DOI at EFSA”.

- DoI, Item 4a (shares).

Mr. Boobis didn't report his shares here, such as Banco Santander, SA, Barclays, BG Group, BT Group, Centrica Plc, HBOS, Iberdrola SA, National Grid, Scottish Power, Thus, see document "Boobis shareholder", page 41 and "Boobis shareholder 2011", page 33). While his shares were reported in 2011, it is unlikely there are no shares anymore in the last 5 years. Commission should have found out, at the least.

- DoI, 6b, ("defended an opinion").

Mr. Boobis was involved in political lobbying and this should have been included in the DoI under 6b, "defended an opinion".

Mr. Boobis was part of the team of experts lead by Mr. Dietrich that from 2013 till present executed a political lobby campaign to stop the adopted policy on endocrine disrupting pesticides (chemicals) that is part of Regulation 1107/2009 or stop the implementation of the criteria (foreseen in 2013). In their views health effects of endocrine disrupting pesticides are an "unlikely hypothesis", an "urban legend" and those scientists who support this adopted policy make use of "pseudoscience" (see for references the part on Mr. Dietrich), damaging the reputation of fellow scientists. Their adversaries were those behind the 'Berlaymont declaration', the authors of the WHO-report on endocrine disruption (see "WHO UNEP endocrines 2013") and the academic scientists that are member of the Endocrine Society. Mr. Boobis took part in this political campaign (see for more details under Mr. Dietrich), adressed EU science advisor Ms. Glover, took part in reconciliation talks organised by Mr. Glover, but proceeded joining the campaign (forgetting about the compromises made) such as a visit of the lobby group to Commissioner Andriukaitis, responsible for pesticide policy.

- DoI 6b ("defended an opinion").

Mr. Boobis was involved in the controversy on Glyphosate and defended the view that the IARC-opinion that decided that Glyphosate is a carcinogen was "not a cause for undue alarm", <http://www.sciencemediacentre.org/expert-reaction-to-carcinogenicity-classification-of-five-pesticides-by-the-international-agency-for-research-on-cancer-iarc/>

Mr. Boobis also manages to get a seat in the WHO/JMPR panel on pesticide residues, as a chair even, together with his fellow-ILSI trustee Mr. Moretto, <https://www.theguardian.com/environment/2016/may/17/unwho-panel-in-conflict-of-interest-row-over-glyphosates-cancer-risk,ands> that concluded to no genotoxic effects for Glyphosate.

Mr. Boobis is part of the Mr. Coggen's as well as Mr. Dietrich's network.

2. Mr. Coggon, information not included in his Declaration of Interest:

DoI, Item 4a (shares).

Mr. Coggon failed to report his shares, such as Halifax and Standard Life (see document "COT Boobis Coggon shareholder", page 215).

While his shares were reported in 2011, it is unlikely there are no shares anymore in the last 5 years. Commission should have found out, at the least.

DoI, Item 6b ("defended an opinion").

Mr. Coggon failed to mention his contribution to SMC, the Science Media Center, such as the one on Glyphosate, <https://geneticliteracyproject.org/2015/03/23/glyphosate-carcinogenic-independent-global-scientists-weigh-in/> , “the IARC report does not raise immediate alarms”.

SMC gets its largest block of funding from industry (see “SMC and industry”), such as pesticide industry (BASF, Syngenta, Monsanto). SMC has been running several campaigns that are considered to be pro-industry, such as on GMO (see “SMC lobby group”) and a campaign on “sense about science” that aims at reducing regulation (on cigarettes), <https://usrtk.org/our-investigations/science-media-centre/>. SMC also worked with Monsanto to discredit French prof. Seralini and to discredit IARC, in both occasions on the pesticide Glyphosate, <https://usrtk.org/our-investigations/science-media-centre/>

Mr. Coggon is part of Mr. Boobis’ network. Mr.Boobis succeeded him as chair of COT in the UK, and both were member of EFSA’s PPR panel in 2007 and published together.

3. Mr. Dietrich, information not included in his Declaration of Interest:

DoI, Item 6b, (“defended an opinion”).

Mr. Dietrich was part of (or even leading) a political pressure group of scientists that lobbied to stop the implementation of adopted EU policy (Regulation 1107/2009) on endocrine disrupting pesticides (chemicals). This group started by writing (controversial) editorials in journals they are connected to in 2013 (see “Dietrich editorial - common sense 2013”). It appeared soon after an investigation of French Le Monde journalist Horel (see “Horel on action group in EHN 2013”) that 17 out of the 18 experts of Mr. Dietrich’s group have past or current ties to industry. Mr. Dietrich was claimed to have worked for chemical industry umbrella organisation ECETOC. The target of the Dietrich-group, were members of the “Endocrine society”, the organisation that is recognized as the world’s largest and most respected scientific and professional organization for endocrinologists, that promote more attention for endocrine disruption and scientists that signed the Berlaymont declaration 2012 (see for their views “Bergman cs response endocrines”). Further branding was done in articles like “Dietrich urban legend”, that states that health risks of endocrine disruption is an unlikely hypothesis (an “urban legend”). Mr. Dietrich and his group also send a letter to Mr. Barroso’s science advisor prof. Glover, “letter Prof Glover Dietrich Boobis group 2013”. Prof Glover then decided to call a meeting with the declared intention to bridge the differences between the authors of the Dietrich et al. “Common sense editorial” and representatives of signatories of the Berlaymont Declaration and the Collegium Ramazzini Declaration on the topic of endocrine disrupters. Surprisingly, with her intervention, a consensus was easily achieved between the two groups of scientists on endocrine disruption, see “ED meeting final conclusions” and <https://chemicalwatch.com/17307/scientists-reach-consensus-on-edc-thresholds>. Despite this consensus, Mr. Dietrich and his group went on to lobby, such as on EU Commissioner Andriukaitis, see “Dietrich Boobis meeting Andriukaitis”, forgetting all about the consensus reached. The controversy was not stopped.

In 2016, when the discussion in the EU on the criteria for endocrine disrupting pesticides moved to a new climax, Mr. Dietrich and his group entered a new level of activity by blaming scientists that defended the EU endocrine policy as basing

themselves on “pseudoscience”, see “Dietrich Dekant Boobis eo pseudoscience campaign 2016”. And he keeps on campaigning like in a recent “blog” on the website of Crop Life International, <https://croplife.org/human-cost-burden-from-endocrine-disrupting-chemicals-grossly-exaggerated/>, the umbrella organisation of pesticide multinationals

- DoI, Item 6b (“defended an opinion”)

Mr. Dietrich in more cases expresses his anti-regulation views such as on the (recently banned) neonicotinoid-pesticides. He claims that bees will not die because of the neonicotinoids in normal use, <https://www.die-debatte.org/bienensterben-interview-dietrich/>.

Also on the Glyphosate controversy, he was part of the team that opposed regulation, <https://www.sciencemediacenter.de/alle-angebote/rapid-reaction/details/news/glyphosat-von-echa-nicht-als-organtoxisch-und-nicht-als-kanzerogen-klassifiziert/>, no genotoxicity according to Mr. Dietrich.

4. **Mr. Schlundt, information not included in his Declaration of Interest, or misleading information included:**

- DoI 6b (“represented interests”)

Mr. Schlundt was Board member (2011) of ILSI (International life Sciences Institute), see “Schlundt board member ILSI 2011”, ILSI is an industry funded interest group that aims to stop regulation of pesticides and chemicals, see [https://www.sourcewatch.org/index.php/International Life Sciences Institute](https://www.sourcewatch.org/index.php/International_Life_Sciences_Institute) by desingning risk assessment methods, political lobby and infiltration of regulatory panels, see [Writing IOR](#) and [Toxic mixture](#).

Mr. Schlundt participated in ILSI research program FOSIE (with ILSI’s employee Kleiner, now EFSA), see “Schlundt FOSIE Kleiner”, he participated in industry programme Acropolis, see <https://acropolis-eu.com/news-events-training/events/2nd-stakeholder-conference/>, in an ILSI meeting in 2014, see <https://www.youtube.com/watch?v=uUokc1ztsnk>, and an ILSI event at the ‘inauguration of Schlundt’ in 2016, <http://ilsina.org/event/4th-apifsc-7th-acfns/>. And another ILSI meeting in 2014, <http://ilsina.org/event/iafp-2014/>.

All evidence points at Mr Schlundt being part of an interest group to stop regulating pesticides and chemicals.

Mr. Schlundt is part of a worldwide network (ILSI) with Mr. Boobis.

5. **Ms. Parent-Massin, information not included in her Declaration of Interest:**

- DoI 1b (“consultancy”).

Ms. Parent-Massin failed to include her consultancies. She did consultancy work for 3 ILSI-members, Coca-Cola, Ajinomoto (biggest Aspartame producer) and Danisco, and was a consultant for firm Orchidee that works for food companies, see <https://books.google.nl/books?id=ZvIZAAQBAJ&pg=PA289&lpg=PA289&dq=dominique+parent+massin+aspartame&source=bl&ots=B-reT0OzdD&sig=FASZmqKxAl8ns4zm5jsE54h3ihQ&hl=en&sa=X&ved=2ahUKEwivjqWxqPneAhUP2BoKHYOIBecQ6AEwAnoECACQAQ#v=onepage&q=dominique%20parent%20massin%20aspartame&f=false> and <https://www.novethic.fr/actualite/environnement/sante-environnementale/isr-rse/aspartame-l-independance-des-experts-remise-en-question-134362.html>.

The work supported industry's lobby to stop regulation of the controversial chemical Aspartame. And while we have no information on her potential consultancy work in the last 5 years, Commission should have found out.

The consultancy at least makes it clear that she worked to stop regulation (of the sugar alternative).

She was part of an EFSA panel. In March 2011 she declared "financial links with Ajinomoto" that were considered a conflict of interest by EFSA. Since 2009, Parent-Massin has been removed from the ANS panel when aspartame and other sweeteners were on the agenda.

6. Mr. Deluyker, information not included in her Declaration of Interest:

- DoI 1a. ("employment")

While this is not in his last 5 years, it would have been instructive to know that Mr. Deluyker worked for the pharmaceutical company Pfizer when he entered EFSA in 2004 (see "Hubert Deluyker Pfizer 2003"). A DoI should not limit itself to the last 5 years. In fact a full cv should be included.

- DoI 8a ("other relevant information")

The report,

https://corporateeurope.org/sites/default/files/toxic_lobby_edc.pdf

describes political manoeuvres of Food Authority EFSA. Even after having been warned by a staff member that its draft-opinion "..... puts us in isolation compared to the rest of the world, and may be hard to defend considering the uncertainties, lack of data and methods identified" (page 10), EFSA published its opinion on endocrine disrupting pesticides by stating that no special regulation is needed for this group of pesticides, joining industry views and undermining rules accepted by Commission, Council and Parliament in Regulation 1107/2009. Mr. Deluyker was likely considered a driving force behind this EFSA-opinion, since he was invited by right-wing MEP Girling for her pressure group to stop regulation (page 11).