

APRIL 2, 2000

'Erin Brockovich' cancer case isn't good science

By Angela Logomasini

In "Erin Brockovich," movie star Julia Roberts plays a legal secretary who takes on the cause of cancer sufferers in a small California town.

She believes the cancers are linked to chemicals from an industrial facility and pushes her boss to take action. The result is a class-action lawsuit of more than 600 claimants and a landmark \$333 million settlement in 1993.

The movie is based on real-life events in Hinkley, Calif. One of the cases that raise public awareness about "cancer clusters," which are geographic areas where cancer rates exceed (or appear to exceed) that of the general population.

In response, states and the federal government have poured scarce dollars into studying clusters and developing "disease registries." But these pro-

ANGELA LOGOMASINI is director of risk and environmental policy at the Washington, D.C.-based Competitive Enterprise Institute. Her views are not necessarily those of *Bridge News*, which supplied this column and whose ventures include the Internet site www.bridge.com.

grams promise to do little more than to help trial lawyers select targets, while diverting financial resources away from basic cancer research. Meanwhile, thousands die waiting for cures.

Focusing on clusters isn't productive because it's nearly impossible to pin down the causes. In 1990, the Centers for Disease Control and Prevention reported on 22 years of studies that covered clusters in 29 states and five foreign countries. They could not establish a clear cause for any cluster.

Part of the problem is that many clusters occur by mere chance. Raymond R. Neutra of the California Department of health services says we can expect about 5,000 such random cancer clusters during any given decade in the United States.

Cancer cluster surveillance systems mistakenly focus on low-level exposure to chemicals in the environment when such risks may be impossible to detect.

According to scientists Sir Richard Doll and Richard Peto, only 2 percent of all cancers could reasonably be attributed to all kinds of environmental pollution. Other factors include smoking, diet, viral infections, geological factors

and occupational exposure to chemicals.

With only 2 percent of all cancers related to chemical pollution, finding clusters is like trying to find a needle in a haystack. The focus on chemicals is not surprising, since trial lawyers make money only if they find deep pockets, big industries whose chemical byproducts lawyers can target.

Lacking solid scientific evidence, these lawyers employ junk science and parade cancer victims in front of sympathetic juries. Consider the dubious basis of the "Erin Brockovich" case.

To indicate the existence of a cancer cluster caused by chemicals, one expects to find a high number of the same kind of cancer. Yet cancers in Hinkley were all over the map. The plaintiffs suffered from cancer of the lung, breast, nasal passages and prostate. The cluster even included noncancerous effects like arthritis, the flu and club feet.

One would also expect to see scientific studies indicating the chemical present in the cluster area causes the type of cancers in that area. The supposed chemical culprit in this case was chromium, which some scientists say is

linked to lung and nasal cancers.

Yet out of the more than 600 Hinkley claimants, there were only six lung cancers, and four of those cancer sufferers were heavy smokers. One plaintiff had nasal cancer. These incidents, although tragic, hardly constitute a cluster.

A legal defense against junk science and cancer tragedies is expensive. It's often cheaper to settle, which is what the company in this case, Pacific Gas and Electric, chose to do.

The trial lawyers then pocketed \$133 million of the winnings and soon thereafter took off on a luxury cruise with some of their close friends, which included three of the judges that managed the case's alternative dispute resolution.

Self-righteous litigation might provide personal meaning for the Erin Brockoviches of the world, but it won't help cure cancer. It does often line the pockets of trial lawyers who can then enjoy the benefits while cruising the Mediterranean.

If the goal is to help cancer sufferers, we should make sure we focus on finding cures rather than looking for a needle in a haystack.