

IARC's response to questions from a Reuters journalist

Questions from Reuters

- 1) What prompted IARC to write the April 7th letter and April 1st email to the Monograph 112 Working Group members?
- 2) Which Freedom of Information and Open Records requests, and from whom, prompted IARC to issue this advice to Working Group members?
- 3) Did IARC's director Chris Wild and/or the head of Monographs Kurt Straif sanction the letter and email?
- 4) Is this the first time IARC has made the decision to write to any Working Group members on any Monograph to ask them not to disclose documents relating to their work with IARC?
If it is not, please could you tell me about all previous occasions on which IARC did this?
- 5) How does this square with IARC's statement that it is transparent in the way it operates?
- 6) Has IARC been happy with the response to its email and letter? Have any of the recipients of the April 7th and April 1st letter and email declined to heed IARC's advice?

IARC's response

IARC staff did not instruct anyone not to comply with records requests made under national or local laws.

The IARC Monographs evaluations are conducted by leading experts from around the world, who serve in an independent capacity as scientists and not as representatives of any institution or organization. It is crucial that these scientists are able to openly and critically debate the scientific evidence. Bearing in mind the resulting publications are the joint product of groups of experts, with no individually authored sections, disclosure of information about the contribution of individual experts to any IARC Working Group would not be in the best interests of the evaluation process.

IARC considers any measures that would discourage scientists from participating in Monographs or would detract from open scientific debate to be contrary to the best interests of international public health.

Some scientists who had contributed to the Monographs Volume 112 Working Group informed IARC they had been approached by interested parties (including lawyers representing Monsanto; see footnote for further details) and asked to release private emails as well as draft scientific

Further information on the interested parties who submitted FOI requests to US NIH employees can be found by searching "IARC" at the following link: <https://www.nih.gov/sites/default/files/institutes/foia/foia-log-sep2016.pdf>

Specific examples include Hollingsworth (representing Monsanto in *Hardemann v Monsanto*; see <https://www.law360.com/cases/56afa43c86143c6019000002>)

National Corporate Research

The Free Market Environmental Law Clinic e.g.: <http://eelegal.org/wp-content/uploads/2016/08/NIEHS-No-Records-Response-to-FOIA-45376-8.18.16-.pdf>

Sidley Austin (requested records concerning IARC funding).

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documents related to their work on the Monographs. In light of the interests at stake, including ongoing lawsuits in the USA against Monsanto, the scientists felt uncomfortable releasing these materials, and some felt that they were being intimidated. Knowing that the relevant Monograph had already been published and that the Monographs Preamble indicates the need for experts to be free of pressure of all kinds to perform their work in an impartial way, they asked IARC for advice as to whether they should release preliminary and deliberative drafts and related communications.

IARC is a part of the World Health Organization (WHO). WHO is an international organization established by treaty and subject to international law. As such, IARC advised scientists and their institutions that draft scientific materials are considered part of the inviolable archives of IARC and under the International Organizations Immunities Act (IOIA) are not subject to release. Furthermore, in respect of words spoken or written or acts done by them in the performance of their official functions, experts serving on IARC committees have immunity from legal process of every kind.

Nevertheless, as the requests to release materials were made to United States federal and state institutions, IARC recognizes that the responsibility for deciding which records are subject to release lies with those institutions.

Reuters

What prompted IARC to write the April 7th letter and April 1st email to the Monograph 112 Working Group members?

IARC

Some scientists who had contributed to the Monographs Volume 112 Working Group informed IARC they had been approached by interested parties (including lawyers representing Monsanto; see footnote for further details) and asked to release private emails as well as draft scientific documents related to their work on the Monographs. In light of the interests at stake, including ongoing lawsuits in the USA against Monsanto, the scientists felt uncomfortable releasing these materials, and some felt that they were being intimidated. Knowing that the relevant Monograph had already been published and that the Monographs Preamble indicates the need for experts to be free of pressure of all kinds to perform their work in an impartial way, they asked IARC for advice as to whether they should release preliminary and deliberative drafts and related communications.

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Which Freedom of Information and Open Records requests, and from whom, prompted IARC to issue this advice to Working Group members?

IARC

All Volume 112 Working Group members and their institutions based in the USA received Freedom of Information or Open Records requests from interested parties. Many have also received broad subpoenas from lawyers representing Monsanto for documents and records relevant to IARC's evaluation of glyphosate. The April 2016 email and letter sent by IARC staff concerning the release of Volume 112 documents appear to be part of the records released to Monsanto's lawyers through these subpoenas.

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Did IARC's director Chris Wild and/or the head of Monographs Kurt Straif sanction the letter and email?

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Yes.

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Is this the first time IARC has made the decision to write to any Working Group members on any Monograph to ask them not to disclose documents relating to their work with IARC?

If it is not, please could you tell me about all previous occasions on which IARC did this?

IARC

No, this is not the first time that IARC has corresponded with Working Group members concerning the release of draft and deliberative documents to support legal actions. Other cases have arisen in relation, for example, to tobacco and asbestos.

IARC and WHO policies aim to support open scientific exchange and individual scientists, notably those who feel discomfort about being approached by interested parties about their work with the Agency. This is especially true when there is ongoing litigation, as has happened recently for the Volume 107 evaluation of polychlorinated biphenyls (PCBs), where there was an attempt to draw draft and deliberative documents into such legal settings.

Reuters

How does this square with IARC's statement that it is transparent in the way it operates?

IARC

The IARC Monographs evaluations are conducted by leading scientists from around the world, comprising each IARC Monographs Working Group. It is crucial in coming to a final evaluation that all Working Group members are able to openly and critically debate the scientific evidence. Such discussions always evolve over the course of the 8-day face-to-face meeting of Working Group members. **IARC considers that any measures that would either discourage scientists from participating in Monographs or would detract from open scientific debate are contrary to the best interests of international public health.**

In the further interest of transparency, the IARC evaluations are open to Observers from interested parties. However, Observers must comply with rules of conduct that prevent the recording and transmission of deliberations and further distribution of deliberative drafts.

As international agencies, IARC and WHO have policies to protect their work, and the contributions of their expert Working Groups, from external interference. The position of IARC and WHO concerning the public release of deliberative documents, or records of deliberative scientific discussions, is consistent with national laws concerning the prevention of disclosure of draft and deliberative documents. For example, the United States Department of Justice advises that this can have a “chilling and distorting” effect on the free exchange of scientific views that is needed for decision making ([US DOJ](#)). The development of Monographs requires the free exchange of scientific views and information, and a full and open discussion of all scientific issues. The official record of the Monographs meeting is the published Monograph. In the case of

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the Monograph on glyphosate, this was publicly available before any open-records requests or subpoenas were issued.

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Has IARC been happy with the response to its email and letter? Have any of the recipients of the April 7th and April 1st letter and email declined to heed IARC's advice?

IARC

IARC continues to value the time that all Volume 112 Working Group members have devoted in order to contribute to the evaluations and is appreciative of the response of all Working Group members.