Ken Shock

Post subject: Human Caused Mercury Scare Debunked

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As with 'Global Warming', this effort to create a panic was actually about Luddites trying to shut down our coal fired electricity plants!
(I have posted the text below - but links are imbedded in the HTML versions linked below)

http://www.consumerfreedom.com/news_detail.cfm/headline/3034

Mercury Decision: 'Expert Witness' Misled The Court

May 17, 2006

Last week's landmark canned-tuna court decision was full of twists and turns. Who would have thought that mercury in fish is "naturally occurring"? Or that tuna, long the environmental movement's whipping-fish (see here, here, and here), actually had very low mercury levels to begin with? Well, actually, we knew that, and now the California Attorney General knows it too. But perhaps the oddest development came in the form of an "expert witness" whose testimony the judge dismissed as "misleading" as well as "unreliable" and "biased" -- and who made claims (offered, the judge wrote, "under penalty of perjury") which turned out to be phony. Meet Dr. Deborah Rice, a former Environmental Protection Agency toxicologist who now works for the Maine Bureau of Health. While at the EPA, Dr. Rice was one of the three scientists responsible for determining the agency's hyper-precautionary mercury "Reference Dose." In the California case, she tried to argue that the state's Maximum Allowable Dose Limit (MADL) for mercury in fish should be set so low that (again, in the judge's words) "all servings of fish and shellfish larger than literally a grain of rice would require a warning."

In order to make her case for this ridiculous standard, the court wrote, Dr. Rice

claimed that the World Health Organization had "observed" paresthesia [prickling sensations] in persons poisoned ... at a daily dose of 50 and 200 micrograms. She was specifically asked, and testified under penalty of perjury that the paresthesias were "observed not modeled."
So according to Dr. Rice, the WHO has evidence that a vanishingly small dose of mercury has caused neurological damage in real, live people. But wait -- the judge continues:

Dr. Rice misstated the WHO's analysis ... Only when confronted with the WHO report did Dr. Rice acknowledge that the 50 and 200 micrograms per day levels were [computer] modeled, not observed, and were for cumulative exposures over a long period of time, and not single exposures.
The judge also criticized Dr. Rice for basing her calculations on a study in Denmark's Faroe Islands:

The Faroe Islands study did not identify and quantify confounding factors and did not have complete follow-up of all children in the study. The Court is particularly troubled by the fact that when the researchers controlled for PCB exposure, there was no statistically significant correlation between methylmercury and performance on the Boston Naming Test, which served as the basis for Dr. Rice's MADL.
The judge pointed out that Dr. Rice -- the best-qualified expert the State of California could find to hype the health impact of mercury in fish -- "had no experience performing a quantitative risk assessment under Proposition 65 and had never calculated an MADL" and is "not Board Certified."

[url]http://www.consumerfreedom.com/news_detail.cfm/headline/3033
[/url]

Judge: 'Virtually All' Mercury In Ocean Fish Is 'From Natural Sources'

May 16, 2006

On Friday, when the scales of justice swung in California's landmark mercury-in-tuna court case, they hit some cherished environmental dogma squarely in the face. Green groups have long held that the trace amounts of methylmercury in fish (tuna being the most oft-cited example) are the result of pollution caused by human beings. In fact, most of the environmental campaigns that hype the theoretical health risks of eating fish (click here, here, here, and here for examples) are really aimed at changing clean-air laws. Fish are just a stalking horse, used to whip up fear about mercury in the environment. But now, at least in California, the truth has become a matter of law -- that the vast majority of these tiny traces of mercury are as natural as the earth itself.
Don't have time to read the whole 118-page court decision? Don't worry. We've pulled out some important observations that should help re-shape the way Americans think about mercury:

Page 60: The Judge ruled that "there is no dispute that most of the methylmercury in the ocean exists completely independently of human activity." Dr. Francois Morel, a noted Princeton University environmental scientist, testified that the percentage of mercury in tuna that originates from human sources "is either zero or 1.5 per cent."

Page 61: University of Connecticut marine scientist Dr. William Fitzgerald, the court wrote, testified that he "knows of no peer-reviewed study that has found an increase in methylmercury in ocean fish during the time period when atmospheric mercury levels have increased." And the defense "presented scientific studies that show there has been no increase in the amount of methylmercury in ocean fish during the past 100 years."

Page 65: The court heard about a scientific study showing that that the mercury levels in tuna caught in 1998 "were nearly identical to (and in fact slightly less than)" the levels in fish caught back in 1971. This supports the court's conclusion that "there is almost no anthropogenic [human-derived] methylmercury in the ocean."

Page 76: "There is evidence," the court wrote, that mercury begins its natural journey up the food chain "in deep ocean hydrothermic vents ... If hydrothermic vents are the source of methylmercury, then 100 percent of methylmercury in the ocean is naturally occurring." In fact, according to Dr. Fitzgerald, "deep ocean vents produce enough methylmercury to account for about four times the amount of methylmercury that bioaccumulates in ocean fish each year."

Page 116: The final nail in a giant scare campaign: The court declares that "methylmercury in fish, including tuna, does not respond to human pollution, and is a natural part of the product's environment."
Stay tuned for the rest of the week as we continue to explore how this remarkable legal decision has exposed the hollow rhetoric and unscientific hype of mercury fear campaigns.

http://www.consumerfreedom.com/news_detail.cfm/headline/3032

The Scales Of Justice Swing On Fish And Mercury

May 15, 2006

On Friday California Superior Court Judge Robert Dondero ruled against the state's attempt to mandate warning signs wherever canned tuna is sold. In a complete dismissal of claims by California Attorney General Bill Lockyer, the judge ruled that virtually all of the mercury traces in tuna are "naturally occurring." He also decided that tuna cans would be mislabeled under federal law if they included a California mercury warning. The coup de grace in this common-sense victory? The court observed that the amount of mercury in tuna is actually so low that it should be exempt from California's hyper-precautionary labeling law. We've been saying much the same thing on our FishScam.com website, but Judge Dondero's sober voice is a welcome one in a debate that's been marked more by hysterics than logical thinking. To read the court's decision, click here. But be warned: It's a large file.
As we told the Seattle Post-Intelligencer on Sunday:

With all the over-the-top rhetoric about mercury in fish, this common-sense ruling should finally stop most of the self-appointed food activists from frightening consumers. Scientifically challenged environmental activists and litigation-hungry attorneys have been exaggerating the impact of mercury in fish for years. It's about time they backed off.
We're not assuming that groups like Oceana, the Center for Science in the Public Interest, or the Sea Turtle Restoration Project will fold up their tents and abandon the mercury issue, but at least the issue of whether it makes sense to scare American grocery shoppers away from "brain food" has been decided. As the San Francisco Chronicle noted, the court wrote that "the very fact that a warning sign would be posted in stores for a healthy product that the federal government encourages people to eat makes the sign misleading."

Only hours after the verdict was unveiled on Friday, Lockyer hinted that he might file an appeal -- and it's not hard to figure out why. His office is still pursuing a similar lawsuit against grocery stores that dare to sell fresh and frozen fish without skull-and-crossbone labels. The Los Angeles Times notes that he is "evaluating whether to continue that case." A successful appeal might also clear the way for Lockyer to bully French-fry and potato-chip makers with his pending lawsuit

over insignificant amounts of a chemical called acrylamide.

The issues raised in Judge Dondero's verdict are too rich -- and the cast of characters too varied -- for us to cover in one day. There's a former U.S. Secretary of Health and Human Services who decried "misinformation" about a "healthy food" like fish. The decision includes a robust critique of government mercury regulators who based their fish-eating advice on a poorly designed study of people who eat massive amounts of whale meat. There's even an oft-quoted "expert witness" (one of a handful who helped develop the Environmental Protection Agency's hyper-restrictive mercury guidelines) accused by the judge of "misleading" the court about scientific studies under penalty of perjury.

Watch this space all week long as we explore how a judge saw through the mercury hype, and how a carping Attorney General ended up gutted and filleted.