

Consumers for Dental Choice

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Inspector General

Department of Health & Human Services

Att'n: Hotline

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Request:

- 1) Investigate Director Lawrence Tabak and the National Institute of Dental & Craniofacial Research for corruptly issuing three multi-million dollar grants to handpicked colleagues seeking pre-ordained results;
- 2) Block NIH money from continuing to go to University of Rochester that is funding the third, and only current, project in this pattern of corruption.

Dear Inspector General:

Lawrence Tabak, Director, National Institute of Dental and Craniofacial Research (NIDCR), is engaged in a pattern of corruption by awarding a series of three multi-million dollar grants to colleagues who are unqualified, or biased, or both. The illicit tactics being used include (1) handpicked applicants who demonstrate support (in advance) for the result Tabak desires but who lack even the barest credentials in neurology or toxicology; (2) methodologies lacking in fundamental scientific rigor; (3) covering up data contrary to the agreed goal; (4) flipping the research question to get the result desired by Tabak; and (5) a coordinated press offensive by Tabak and the grantee resembling a product marketing campaign instead of a scientific study. This outrageous outpouring of federal money has repeated itself three times – so far – and shows no sign of abating. The results benefit the personal and professional agendas for Tabak and his assistant, and likewise the agenda of commercial interests which stealthily fund Tabak's NIDCR.

The scientific question is supposed to be whether mercury from amalgam fillings (promoted deceptively by Tabak's dentist allies as "silver fillings") risks neurological harm to children or fetal damage, something that mercury is acknowledged by all scientists to cause in virtually every other application. Irrationally defending mercury when used by his profession, Tabak refuses to contract with independent toxicologists or qualified scientists to research the question, which means that NIDCR "research" reaches a different, even opposite, conclusion from independent research. Tabak or his assistant Norman Braveman secretly determine which consultants or pro-amalgam dentists (dentists are on both sides of this issue; many oppose amalgam) will advance their position, then hand them gigantic federal contracts to proclaim a result buttressing Tabak's position. In one such contract, Tabak arranged for an entity not even remotely qualified to do review of the scientific literature: a meetings planner company named BETAH whose contract with NIH was to arrange vans and set up phones for NIH conferences. Tabak's assistant Braveman then directed BETAH to hand most of the money to LSRO, a consultant for Big Tobacco, whose leader had held a series of secret meetings with Braveman to get on the same page. At one of those meetings, Braveman gave that LSRO leader a blueprint of the desired result, to which he responded via e-mail that he knew "the trick" of how to get the results NIDCR wanted.

In another multimillion dollar deal, two dental school professors at the University of Washington, proclaiming that mercury amalgam is safe at a public hearing, received a Tabak grant to engage in the immoral act of testing mercury exposure on the most defenseless of human subjects -- institutionalized children at a remote orphanage in rural Portugal. These professors crassly wrote NIDCR that children are the best subjects, because they show the deleterious harm from mercury exposure more rapidly than adults! Alarmed, the U.S. Office of Human Research Protections, part of DHHS, conducted an investigation, concluding that these two American professors with their NIDCR grant denied informed consent to the children and their guardians about the draconian health risks of mercury exposure. Yet these men knew the risks, having earlier informed NIDCR that such risks include the most dreadful of chronic neurological diseases, and even death.

The third such grant, for \$3,000,000, is a pending neurological “study” where Tabak tapped a junior dental school professor at the University of Rochester to determine neurological damage to children on an Indian Ocean island where fish (containing mercury) is the main protein of their diets – truly a sham from the start. The professor has rigged up a flawed methodology, testing hair samples, an approach surely aimed at ratifying the Tabak pro-amalgam position. Not only is the dentist not qualified, but he is in a brazen conflict of interest setting, teaching at a dental school which endorses the use of mercury amalgam while in a middle career track awaiting full professor status.

This boondoggle at the University of Rochester is taking place right now. We have written the president of that university, and NIH Director Elias Zerhouni, asking that funding be stopped immediately to lessen the fraud on the taxpayers (that serves to drain away federal research dollars for legitimate health care research). We have repeatedly warned Director Zerhouni and his top staff of NIDCR’s cronyism to fund unqualified and biased researchers favoring amalgam, so we are skeptical he or his staff will intervene now. Thus, we ask the I-G to step in, and stop any further expenditure of money.

1. Tabak’s deal with BETAH and LSRO for an “independent” literature review – which raised so many questions of law and propriety that Director Zerhouni appointed an independent CPA firm to investigate

Tabak’s assistant Norman Braveman, keeping his boss in the loop at every stage via e-mails, circumvented the Federal Acquisition Regulation by secretly handpicking Big Tobacco consultant LSRO to do an “independent” review of the literature on mercury fillings. To reach the result consistent with Tabak’s pro-mercury agenda, Braveman handed a blueprint of the desired result in advance to LSRO, insisted that no one with experience in mercury toxicity be on the panel, and allowed all panel discussions to take place behind closed doors. At the point of hiring LSRO, NIDCR officials were told the law did not permit a non-competitive, non-transparent contract, so they arranged BETAH Associates as a stand-in to be the strawperson contractor because BETAH had an existing contract with NIDCR – to plan their conferences! BETAH’s work was to set up telephones, hire vans, identify hotels, etc. – not even remotely qualified to do a scientific literature review of mercury amalgam. (Indicative of the shenanigans to find a way to hire BETAH and get LSRO, one draft of the NIDCR-BETAH contract called the literature review a “conference,” which of course was all

BETAH was doing. BETAH (who was never intended to do the actual work) then by prior agreement hired LSRO as subcontractor.

True to its promise to Braveman that it knew “the trick” involved in its deal with NIDCR, LSRO violated the requirement of the contract, which was to determine evidence of the risk of mercury from amalgam. Since the answer to the question of evidence that dental mercury is a health risk is “yes,” but since Braveman sought out LSRO in order to get a “no,” LSRO dutifully did its fealty for the money. It inverted the research question to one it could answer “no”! Tabak, of course, was delighted to ignore the contract violation, so he could do a coordinated press offensive with LSRO praising mercury fillings.

When this evidence of corruption was presented to Director Zerhouni, to his credit he appointed a national CPA firm, Clifton Gunderson, to investigate. Clifton Gunderson wrote a 13-page report that was given to Suzanne Servis, Director, Office of Management Assessment of NIH, for “editing,” according to our first FOIA request. Since Director Zerhouni had taken the investigation away from Servis in 2004 to give it to the CPA firm, the return of the report to Servis for her “editing” raised red flags. The evidence of a cover-up grew the next year with our second FOIA, when NIH dodged the question of whether such a report now even exists. Thus an independent report by a reputable CPA firm addressing alleged malfeasance at NIDCR has sat for at least two years in the front office at NIH, whose personnel are stonewalling its release and thereby protecting their colleagues Tabak and Braveman.

Congressman Burton and Congresswoman Watson wrote Tabak with pointed questions of concern about the LSRO-BETAH deal. Thus cornered, Tabak lied to Congress. He falsely claimed, in writing to Congressman Burton and Congresswoman Watson, that BETAH “identified” LSRO to be the subcontractor. In fact, as explained above, it was NIDCR’s Braveman who identified LSRO, months before BETAH entered the picture. This fact was well-known to Tabak, because he was cc’d on e-mails concerning the LSRO-Braveman meetings and the contract negotiations.

Three years ago, Consumers for Dental Choice presented Director Zerhouni with a 20-plus page report, with 25-plus exhibits, showing the continued circumvention of rules, regulations, and scientific protocol by Tabak and his staff. We will make this report available to the Inspector General upon request.

2. Tabak’s experiment on Portuguese orphans – which OHRP/HHS found to violate medical ethics for lack of informed consent.

The Office of Human Research Protections (OHRP) – which polices unethical experiments on children – ruled that Tabak’s favorite project to protect mercury fillings, the notorious experiment on institutionalized children at a Portuguese orphanage, was done without the experimenters obtaining informed consent from the guardians of the children about the horrid effects of mercury exposure. To quote from its letter to Consumers for Dental Choice:

“OHRP found that the informed consent document for the research conducted by UW failed to adequately describe the reasonable foreseeable risks of the amalgams.”

Informed consent is the backbone of humane scientific research protocol. And these experimenters knew the risks, and concealed them. In the grant request to Tabak for the lucrative multimillion grant, Timothy DeRouen and Michael Martin stated that exposure to mercury from amalgam could lead to:

“... chronic debilitating neuromuscular diseases [presumably meaning multiple sclerosis, Lou Gehrig’s disease, and Parkinson’s disease] and even acute, life-threatening health outcomes.”

So NIDCR, put on notice of the draconian effect of mercury exposure, not only approved it on institutionalized children, but took no action to discipline the dental school professors for concealing it from these Latin children and their guardians.

Tabak’s handpicked team, DeRouen and Martin, are well known advocates for mercury amalgam. Both publicly endorsed mercury amalgam – in advance of viewing the clinical study data – at a contentious hearing in 2002, before a King County board in Seattle, where they combated the opponents of amalgam to the delight of the amalgam supporters. Nothing better illustrates that fact that NIDCR wants to shovel money to advocates of amalgam to “study” its risks, rather than give the money to qualified and neutral scientists. Small wonder, then, that DeRouen and Martin proceeded to cherry-pick data to “prove” the position they had already publicly advocated, and to withhold data showing the converse. One alarming fact withheld by DeRouen and Martin when they released their “study” praising mercury fillings: the orphan boys are tragically unable to discharge the mercury from their bodies, so it is bioaccumulating. Hence, they remain mercury toxic as their enter their procreative years! More facts are likely to dribble out, unless Tabak, Braveman, DeRouen and Martin conceal them. For example, they are still covering up the porphyrin data, another indicator of potential permanent lifetime health problems for these unfortunate child-victims of DeRouen and Martin’s greed and Tabak’s agenda.

A major question of discrimination also looms. A simultaneous project involving non-institutionalized American children did disclose risks, but the NIDCR grantees decided that institutionalized Latin children merit no such disclosures. Such disregard for the Portuguese orphans is turning into an international incident; we have written Prime Minister Socrates of Portugal, and can supply that letter to you.

3. Tabak’s current project: handpicking a junior dental school professor to do neurological research – and via a flawed methodology

The third of this notorious troika is underway now – for which we urge the I-G to stop the flow of federal money immediately. Tabak secretly handpicked a dentist to do neurological research. The research is being falsely represented as *sui generis*, but in fact numerous studies have shown that mercury from fillings causes neurological damage in patients and reproductive damage to female dental employees. Such true science is anathema to Tabak and his commercial colleagues at the Friends of NIDCR, so Tabak now seeks a *sui generis* result: that mercury when implanted by his fellow dentists is not neurotoxic, in contrast to all other mercury.

- Grantee Gene Watson is a dentist; he is neither a toxicologist nor a neurologist. By now it is a well-honed Tabak pattern to identify a colleague amenable to supporting mercury fillings, hand him work for which he is not qualified or at least not nearly as qualified as toxicologists, dole out millions of dollars, then orchestrate a press offensive that somehow suggests toxic mercury is magically transformed into a non-toxic material when implanted by dentists.
- The grant announcement said the public generally knows about that amalgam is mainly mercury; that is false, as surely NIDCR and Watson must know. It is the organized dentistry's policy to conceal the mercury; the ADA has a gag rule in its code of "ethics," and promotes the fillings deceptively as "silver." No surprise, then, that a recent Zogby poll found that over three-fourths of Americans cannot identify mercury as the major component.
- Watson's research technique, using hair samples, is flawed. It is being done that way to reach the pre-ordained result that the mercury from dental fillings, mysteriously, is safe while all other mercury is not. Professor Boyd Haley, a renowned biochemist (unlike Watson) and former department chair at the University of Kentucky, stated why the methodology is fundamentally flawed:

"The fact they are collecting 'hair samples' to determine exposure, and collecting it from a fish eating population shows they don't know what they are doing. Methylmercury (fish) collects in the hair much more rapidly and effectively than inorganic mercury (amalgams). Doing this study on a primary fish eating population will obfuscate any results and this may be their goal---but I don't know if it's incompetence or excellent planning to get confusing results.

4. Financial benefits from stealth support group, interlocking relationships with dental groups, and benefits from grantees may explain Tabak's and Braveman's motives.

In a parody of objective research, Lawrence Tabak is using his discretionary funding powers to create a façade of scientific support for a controversial 19th-century dental material known as amalgam ("silver fillings"), even though (a) it is 50% mercury, and (b) it is no longer needed for any kind of filling, due to the emergence of the composite materials.

Tabak benefits by blocking scientific inquiry and substituting it with cronyism. He is wined and dined, and receives awards, from organizations supporting the use of mercury fillings. Furthermore, he receives stealth funding for projects not approved by Congress from a vaguely-defined group of commercial beneficiaries known as Friends of NIDCR. He then proceeds to disburse millions of dollars to those with conflicts of interest, pre-stated agendas, and a lack of neurological expertise – to write reports telling him that mercury from amalgam causes no neurological damage.

Tabak's assistant Norman Braveman definitely benefited financially or professionally at the expense of the taxpayers. In the experiment on Portuguese orphans, he served in the egregiously conflicted position of both grant overseer and co-author with the grantees of published research papers. Thus, either (1) he was taking time that should

have been spent doing government work writing the paper, or (2) the grantees – as a gift to Braveman that clearly benefits him professionally – put his name on as co-author of published work without him doing any of the writing. Either way, Braveman has used his position to benefit himself -- either by drawing a full-time paycheck but diverting government time to private work, or by receiving a professional benefit to advance his career by a gift of having his name listed on a so-called research paper. Under any explanation, Braveman has received a benefit from the grantees while he is the grant supervisor.

5. Support for Tabak's reckless grant-making in NIH front office is puzzling.

Consumers for Dental Choice has repeatedly warned Director Zerhouni and his top staff – Deputy Director Raynard Kington, Deputy Director Norka Ruiz-Bravo, and Office of Management Assessment Director Suzanne Servis – that Director Tabak is engaged in a pattern of cronyism, where science is placed second to funneling millions of dollars to colleagues who dutifully return with results Tabak can crow about. Tabak's grants, we have warned, are given not to qualified and neutral scientists but to dentists or Beltway consultants who are (a) not qualified, (b) have a conflict of interest, (c) announced their support for Tabak's position in advance, or (d) two of the above. Tabak refuses to risk having a qualified and objective neurologist or toxicologist as prime grantee, else the result will not be predictable.

NIH is covering up the results of the independent CPA report on NIDCR's grant to unqualified meetings planner BETAH and Big Tobacco consultant LSRO. To the best of our knowledge (according to our FOIA inquiry), it was last known to be in the possession of OMA Director Suzanne Servis. Since this report is cited as grounds to support amalgam – wrongly so, if it was corruptly let or written – Director Servis is doing a major disservice to parents and pregnant women who may be injured by the mercury in amalgam.

In an effort to correct what is going on at NIDCR, we have corresponded with Dr. Zerhouni, Ms. Servis, and Dr. Norka-Bravo for more than three years, and have spoken to both Dr. Zerhouni and Ms. Servis. This year, after the OHRP finding about the gross immorality of experimenting with mercury on institutionalized orphans without consent – analogous to the Tuskegee experiment in the United States at mid-century – we called for Tabak to be fired. Instead, the NIH front office continues to let Tabak run wild in his grantmaking. This nonfeasance by NIH leadership raises questions of whether someone at NIH's highest echelons is covering for his/her colleague Tabak.

Several years ago, Senator Lautenberg wrote Director Zerhouni asking that he cease allowing NIDCR to run research on the neurological harm from mercury, because dentists are not qualified to do such work and have a conflict of interest. Dr. Zerhouni flatly denied the request, and offered no changes to address either the conflict issue nor the qualifications concern. It was clearly a mistake – particularly in light of Tabak's subsequent mismanagement and extralegal activities. Dr. Zerhouni should be asked to revisit that decision, and remove mercury amalgam research from NIDCR, placing it at, e.g., the institute addressing environmental toxins.

If Dr. Zerhouni again refuses, the Inspector-General should recommend to Congress and the Secretary that research on the health effects of mercury amalgam be removed from NIDCR, for its egregious behavior but also for its lack of expertise and conflict of interest on the matter, to the National Institute of Environmental Health Sciences.

Sincerely,

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cc, at the U.S. House of Representatives: Chairman Dennis Kucinich, Domestic Policy Subcommittee, via Jaron Bourke; Congresswoman Diane Watson, via Valerie Van Buren; Congressman Dan Burton, via Brian Fauls.

cc, at the National Institutes of Health: Director Elias Zerhouni; Deputy Director Raynard S. Kington; Norka Ruiz Bravo, Deputy Director, Extramural Research; Suzanne J. Servis, Director, Office of Management Assessment, NIH; Marin Allen, Deputy Director, Communications; John Burklow, Associate Director, Communications; Ann Brewer, Director- Executive Secretariat