

SCIENCE FOR SALE

How Murphy Oil, USA and the Center for Toxicology and Environmental Health have downplayed health risks from Murphy's million gallon oil spill in St. Bernard Parish.





In the days following Hurricane Katrina, over one million gallons of crude oil were spilled from Murphy Oil, USA in St. Bernard Parish, Louisiana.¹ It is believed that the refinery failed to follow its own disaster prevention guidelines, steps that would likely have prevented this catastrophe.²

Much of the oil from Murphy's tank went into the surrounding neighborhoods.

The Center for Toxicology and Environmental Health (CTEH) is a contractor hired by Murphy Oil in the aftermath of one of the worst oil spills in history.³ CTEH is the company that Murphy has paid to take soil samples in the area of the oil spill.

This exposé details a number of disturbing facts about CTEH, but the bottom line for people affected by the oil spill in St. Bernard Parish is this:

1. **Murphy is not acting in good faith:** By hiring a seemingly notorious company like CTEH and passing CTEH off as an objective, independent third party looking out for the public good, Murphy is violating the trust of its neighbors, many of whom believed Murphy was acting in good faith when they agreed to settle with the company.
2. **The results of Murphy's soil samples appear to be questionable:** CTEH's sampling protocol and practice give reason to doubt the results of Murphy's samples and Murphy's assurances to the public.



More about CTEH

When Texaco got in trouble for dumping 18.5 billion gallons of toxic waste directly into the drinking supply of 30,000 Ecuadorian rainforest residents, who did they look to for help?⁴ What about Norfolk Southern when one of their trains derailed in Graniteville, South Carolina, releasing 90 tons of chlorine gas that killed 9 people?⁵ How about Union Pacific Railroad when one of their freight cars loaded with dangerous chemicals exploded in Eunice, Louisiana?⁶ The answer? They all turned to CTEH.

The name is clever. If you were Murphy, would you have hired a company called The Center to Get Oil Companies Out of Big Trouble When They've Spilled a Million Gallons of Oil? Or would you have hired a company whose very name evokes visions of health protection and vigilance?

Murphy Oil, it seems, has done all they can do to make it appear that CTEH is the official agency that its name suggests. In its public statements about health and the oil spill, Murphy rarely, if ever, notes that CTEH is a contractor—**a for profit business**—that they pay. As of mid January, Murphy had paid CTEH over four million dollars.⁷

Consider this statement taken from a Murphy Oil Question and Answer document available online.

"Will the affected area be safe with respect to crude oil?"

*Yes. Nearly all of the oil spill has been recovered or evaporated. The Center for Toxicology and Environmental Health conducted extensive testing in St. Bernard Parish and has concluded that after any residual oil is cleaned from homes and lots, the crude oil will not present short or long term health or safety concerns."*⁸

This practice of quoting CTEH as a seemingly independent third party got the notice of U.S. District Judge Eldon Fallon. In November 2005, he ordered that Murphy disclose its true relationship to CTEH in talks with individuals who were interested in their settlement program.⁹

There are a few more things you should know about CTEH.

The Environmental Protection Agency (EPA) and CTEH

The EPA is conducting split samples in its investigation of the Murphy Oil spill. Ten percent of all of the samples that CTEH takes are analyzed by the EPA.¹⁰ When a split soil sample is taken, part of the soil should be sent to an EPA lab, and the other part to the CTEH lab. Split sampling is usually a good way to verify that the lab being used is getting accurate results.

The problem in this case is that there's more to sampling than just analyzing the soil; the EPA is also relying on CTEH to **collect** their soil samples. The company paid by

Murphy, when seeing a patch of oily soil or clean soil, is making the decision about which soil to **collect** for the soil sample. **Four million dollars (and growing) worth of business means the clean soil is likely to be chosen.** It's no wonder that so many residents are being told that everything is fine.

And there's more. An EPA contractor was seen standing by as a CTEH sampler blatantly violated sampling protocol (see back page).¹²

The government agency designed to protect residents is also relying on a



contractor paid by the company that caused the spill. Is this a good way to protect public health?

Many of CTEH's clients are big oil companies and other large corporations that have environmental catastrophes on their hands.

Having big companies as clients isn't bad. The problem comes when you say what those clients want to hear and forget about the regular people whose health and lives are affected by your work.

Aside from boasting a resume that includes every major railroad company in North America, other clients include Borden Chemical,

Eastman Chemical, Georgia Gulf, BP, Amoco, BASF, Oxychem, and of course Murphy, to name just a few.¹³ If you've got an environmental disaster on your hands, CTEH is the go-to company.

A quick internet search of CTEH tells the story of a corporation that has, since its inception less than 10 years ago, seen exponential growth,¹⁴ and it's no wonder: CTEH provides a service that big corporations with poor environmental performance need.



CTEH and Amazon Peoples: A Case Study



What do Chalmette residents and Amazon rainforest residents have in common? More than you'd guess.

From 1971 until 1992, Texaco (now Chevron-Texaco) drilled for oil in an area of the Amazon rainforest located in Ecuador. When the oil giant packed up in 1992, they left the homes of Amazon residents a mess. The Murphy oil spill left the homes of Chalmette residents a mess, too.

During their years in Ecuador, Texaco released 16.8 million gallons of crude oil, 20 billion gallons of toxic waste, and filled six hundred pits with toxic waste.^{15,16,17} The amount of pollution was extreme: it added up to 30 times the amount of damage caused by the Exxon Valdez oil spill.¹⁸

You probably won't find it surprising that Amazon residents started noticing some negative health effects including childhood leukemia, a high incidence of several types of cancer in adults, and pregnancies ending in miscarriage. CTEH was brought in and downplayed the extent of the health problems.

In 2003, armed with an impressive collection of academic studies documenting a correlation between Texaco's operations in Ecuador and Amazon residents' ailments, 30,000 Amazon residents filed a lawsuit against Chevron-Texaco.¹⁹ Chevron-Texaco knew that they were in big trouble, so what did they do? They *paid* a team of "experts" to refute the claims made in the studies that Amazon residents were citing in their lawsuit. Among this line-up was none other than—you guessed it—a CTEH scientist.²⁰

Texaco's attempt to buy off scientists made more than a few people angry, so much so that it prompted a group of fifty scientists and doctors to write a letter to a prominent scholarly journal, *The International Journal of Occupational and Environmental Health*. In the article, the scientists and doctors expressed their anger with Texaco, and furthermore, with their colleagues who appeared to be paid to refute sound scientific evidence.²¹



A Disturbing Pattern

CTEH's performance in the Amazon is similar to the work that they've done for Murphy.

- Texaco, like Murphy, seemed to mislead the public. In both cases, CTEH's statements are treated as though they are the statements of an independent, unbiased party rather than those of a paid contractor.
- In the Amazon situation, scientists and doctors charged that some scientists involved intentionally overlooked facts that were critical to the assessment of safety in the area in question. For example, a CTEH scientist claimed that a

study linking miscarriage and living near Texaco's operations was invalid because of "memory bias."²² Memory bias means that the scientists who did the study relied on women themselves to report miscarriages rather than medical records, and as a result women could have forgotten or falsely reported a miscarriage. As the scientists who responded to the CTEH scientist's report note, it is completely unacceptable to deem a scientific study invalid for this reason. It is highly unlikely that a woman would forget or mistakenly report a miscarriage, and furthermore, reliance on self reporting is a respected and widely-used

practice in the scientific community.²³ Both of these facts are ones that are absent in the CTEH scientist's report.

This case suggests that CTEH is not above emphasizing certain facts and overlooking others if the price is right. Remember, CTEH is a company, *not* a group of independent, unbiased scientists. This means that they rely on profit to stay in business.

Now that we know what CTEH did in the Amazon, let's look more closely at some of their work in St. Bernard Parish.

The Murphy web site has information about its oil spill, including two letters from the CTEH.

These letters are addressed to Murphy Oil. Both letters begin with "Gentlemen."

Both letters state that Murphy has asked for information, but neither notes that CTEH is paid by Murphy. If you are an unsuspecting resident looking for information, you might read these letters without understanding that Murphy pays CTEH.

September 21, 2005

*"The presence of petroleum from the oil spill in some of the homes poses no additional hazard to homeowners during the scheduled visits and no additional personal protective equipment is required."*²⁴

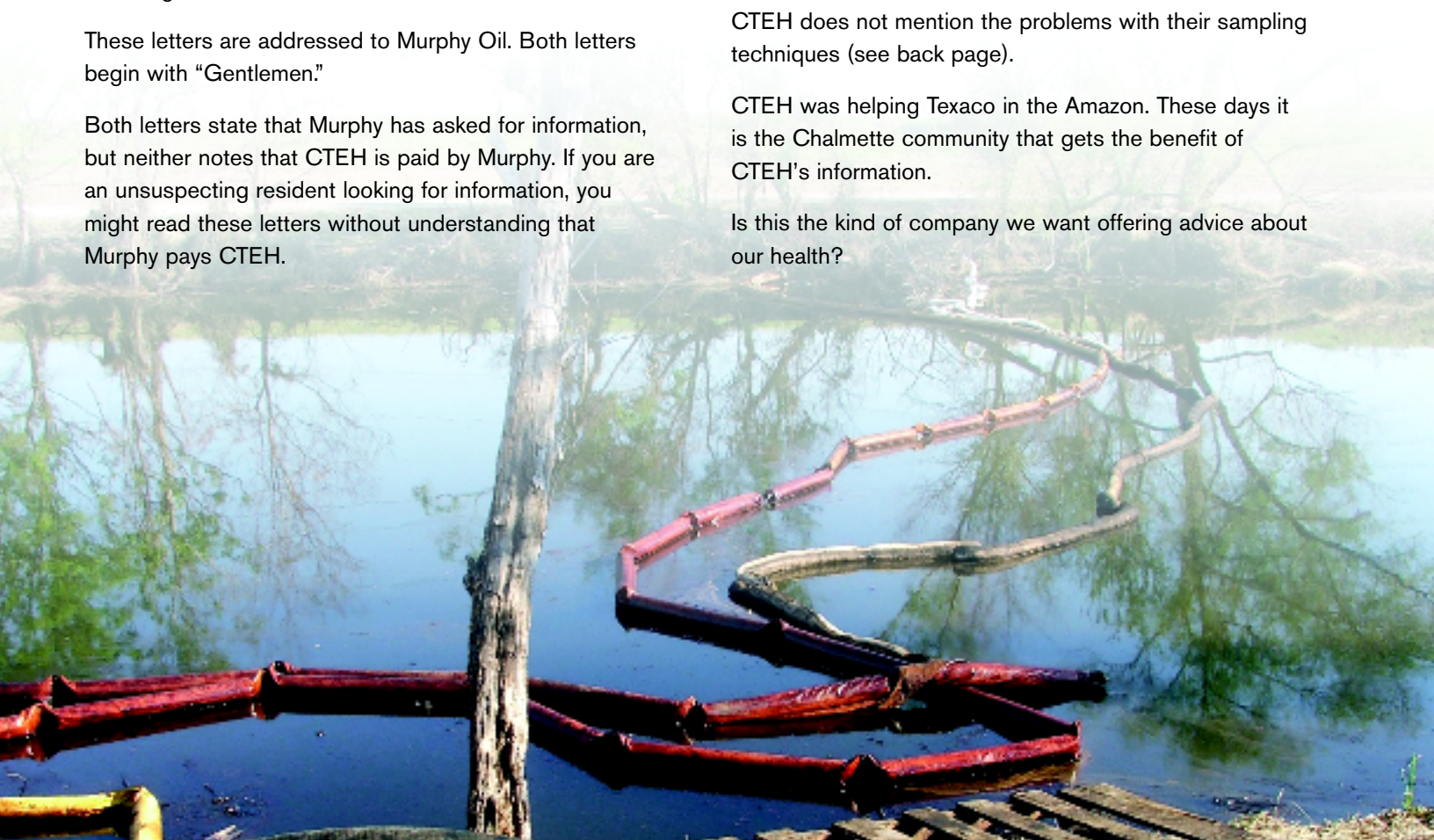
CTEH's advice continues on October 21, 2005

*"Thus, we feel confident that based on the testing thus far, and the planned cleanup program, there should not be any long-term exposures to oil above RECAP [these are clean up standards] standards and therefore the spill should not be expected to present any long term health and safety issues."*²⁵

CTEH does not mention the problems with their sampling techniques (see back page).

CTEH was helping Texaco in the Amazon. These days it is the Chalmette community that gets the benefit of CTEH's information.

Is this the kind of company we want offering advice about our health?





CTEH's Sampling

The EPA has specific guidelines for post Katrina sampling that describe how soil and sediment samples should be taken. CTEH's sampling protocol often directly contradicts the EPA guidelines.

EPA GUIDELINES DIRECT... ²⁶	CTEH PROTOCOL SAYS... ²⁷
A “grab sample” should be taken, consisting of sediment from one point on the property.	A “composite” sample should be taken, consisting of “no less than 3 points on the property.”
Sampling should be “biased.” This means that samples should be taken from places where contamination is most likely, such as where oil seems to have settled.	CTEH manual does not provide direction; CTEH is being paid by the company liable for the damage.
The sample should be taken by scraping the surface.	The sample should be collected “from the surface up to six inches in depth.”
“Efforts should be made to collect samples that contain finer grained sediments and limit collection of coarse or debris laden sediments.”	CTEH manual does not provide direction.
The sample should contain sediment, not any preexisting soil.	“Bulk soil sample” should be homogenized, mixing together dirt from different parts of the yard.
It should be put directly into an appropriate sampling container	CTEH sampler seen putting the sample into a plastic bag.

CTEH was seen sampling in the following way: An employee wearing latex gloves milled about the property being sampled. He occasionally bent down to sift through some rubble. With a plastic baggie in hand he grabbed a handful of soil here and there. For his last sample he threw in a hard hunk of dirt from the curb. He walked back to the truck, where he shook the bag lightly. The chunk didn’t mix in with the rest of the dirt. He then raised the bag over his head and began smacking the bag against the pavement. Once the soil had broken up, he shook the baggie lightly and poured the contents into a glass jar, ready for the lab. A man with a shirt that said “Environmental Protection Agency contractor” stood by as this happened. ²⁸

Endnotes

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