

data and the *Science* paper will soon be in the hands of a new committee. Having completed its "inquiry," NIH is disbanding the inquiry team and creating an "investigation" team of three outside scientists. When named, those three investigators will work under the mantle of the NIH integrity office and, like the inquiry team, their work

will be subject to review by the Richards panel. Raub says the new team will do a "hands-on investigation" and the Richards group will remain in its role as advisers one step removed.

The NIH inquiry team has conducted more than 20 interviews with Gallo during the past few months, each lasting several

hours (*Science*, 22 June, p. 1494). It has reviewed hundreds of pages of laboratory records and interviewed key members of the lab. If that isn't a "hands-on" investigation, it will be interesting to see what "hands-on" means as the new investigation takes shape.

■ BARBARA J. CULLITON

Tobacco Industry Does Slow Burn Over EPA Adviser

The tobacco industry is trying to prevent a medical expert from serving on a U.S. scientific panel that will review the risks of tobacco smoke for the Environmental Protection Agency (EPA) this fall. The effort appears to be unprecedented in its boldness, as EPA's technical staff reports it has never been pressured in this way before. And the pressure might succeed.

The nominee under fire is David Burns, an associate clinical professor and member of the pulmonary unit at the medical school of the University of California, San Diego. He can hardly be faulted for lack of experience: he drafted the U.S. Surgeon General's report on the risks of smoking in 1975 and has been involved almost continuously as a scientific editor of the Surgeon General's reports on other topics since 1980. The industry's chief complaint, in the words of Brennan Dawson of the Tobacco Institute, is that Burns is "not open minded" about tobacco because he has participated in antismoking campaigns.

The industry has a big stake in the outcome of the scientific panel's work. It will review two technical documents on the threat posed to nonsmokers by exposure to other peoples' cigarette smoke. The more important of the two is EPA's draft risk assessment, released in June, which labels indirect tobacco smoke a "class A" carcinogen like asbestos. It estimates that exposure to this substance causes about 3700 deaths from cancer in the United States each year. The second document is a policy guide recommending ways to limit exposure to tobacco smoke. EPA has no authority to issue regulations in this area, but many states will follow the agency's lead.

For this reason, the scientific review may have more potent results than usual. And the campaign to block Burns raises general questions about how the government obtains advice on a hot topic like this. Does an expert who has reached a firm conclusion on such a controversy automatically become unfit to serve as a public adviser? And how much influence should groups like the Tobacco Institute—or an environmental lobby—have in shaping U.S. advisory bodies?

The specific fight in this case focuses on who may sit on a subpanel to EPA's Science Advisory Board. The membership list, including Burns, was almost complete in August and the panel was scheduled to begin work in the first week of September. Then the Tobacco Institute sent a letter to EPA chief William Reilly objecting to Burns. In September it was followed by written and telephoned warnings from Representative Thomas Bliley, Jr. (R-VA), ranking Republican on the House subcommittee on oversight and investigations, that EPA must do more to ensure "balance" and "fairness" on the tobacco smoke panel.

The first meeting was put off for 3 months—according to EPA, for organizational reasons. But the membership list is still in limbo. Burns says: "I thought I had been selected." But Robert Flaak of EPA's staff says Burns is still under review.

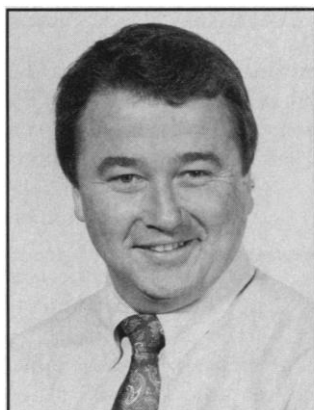
The Tobacco Institute's letter, written by Samuel Chilcote, Jr., the institute's president, expressed "grave concern" about Burns's prejudice. "Frankly," the letter says, "we are mystified how an individual with Dr. Burns's long and intense involvement with the antismoking movement can be expected to contribute to a reasonable, objective examination of the two documents." Chilcote included a dossier on Burns compiled from a computer search of newspaper files. Among these items was a *Los Angeles Times* article headlined "UCSD Expert Is Smoking's Archenemy," describing Burns's volunteer work as an adviser and public witness for campaigns to ban smoking in public places. Chilcote also argued that Burns must be struck from the list because he had already served as a reviewer of an earlier draft of the risk study.

Bliley, mentioning no names, insisted EPA should exclude from its panel people who have testified for or against smoking restrictions, who are active members of groups that have "taken a firm position" on the subject, or who have previously advised EPA on its risk statement. That would knock out Burns and, if broadly applied, might deny EPA the expertise of other scientists it relies upon for advice. Bliley's staffer, Jeffrey Schlagenhauf, says his boss is concerned that EPA is playing fast and loose with its risk calculations. For example, he thinks the agency has been much tougher on tobacco smoke than diesel exhaust.

What is EPA's obligation to heed any of this advice? Flaak says the law requires only that advisory committees have "balance," a term it does not define. While the science office frequently gets nominations from other institutions, he cannot recall another case in the past 6 years in which outsiders have raised such a hue and cry against a candidate. He adds that he has not heard any complaint from the antismoking lobbyists.

The industry's hullabaloo has had an effect. Flaak says: "We've taken it seriously." EPA has forwarded Burns's curriculum vitae to "a number of people who we work with." The agency, according to Flaak, "asked them for some opinions about the type of work [Burns] is doing and where it fits into the mainstream." The final decision will be out in a week or two.

Burns, meanwhile, is trying to shrug it all off. If he has a bias, he says, it results from "a review of the available information, and it's called 'informed opinion.'" To Chilcote's charges, he replies: "I'm happy to stand on my reputation without having to defend it in front of the Tobacco Institute." ■ ELIOT MARSHALL



Tobacco's target. The industry wants David Burns off a peer-review committee.

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