

In this first in a new series of in-depth articles on deceptive corporate lobbying and spin in EU capital Brussels, Corporate Europe Observatory presents the case of the Bromine Science and Environmental Forum (BSEF).

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House of Mirrors

Burson-Marsteller Brussels lobbying for the bromine industry

What exactly is the Bromine Science and Environmental Forum (BSEF)? The name suggests an academic body or an environmentalist organisation. Or could this 'forum' be some sort of coalition bringing together scientists, environmentalists and other stakeholders? In reality, BSEF has only four members: the world's major producers of bromine flame retardants, based in the US, Israel and Japan.¹ When the commercial interests of these four companies were threatened by plans to ban some of their products from the EU market, they turned to public relations giant Burson-Marsteller for assistance. Well-experienced in running front groups, Burson-Marsteller helped to set up the Bromine Science and Environmental Forum and the PR firm has ever since run BSEF's EU operations from its office on Av. de Cortenbergh 118 in Brussels. Until recently, the corporate nature of BSEF and the key role of Burson-Marsteller in its operations was kept vague or simply hidden. To add to the impression of a house of mirrors, Burson-Marsteller's Brussels office also runs several other bromine industry outfits fighting EU bans, such as the Alliance for Consumer Fire Safety in Europe (ACFSE) and the European Brominated Flame Retardant Industry Panel (EBFRIP), which consists of three of the four BSEF corporations.²

Industry front?

Established in 1997, BSEF in the first many years managed to operate relatively unchallenged, but the group has run into heavy criticism. The California-based Environmental Working Group, for instance, in a July 2003 report called the BSEF "a lobbying front dedicated to casting doubt on the mounting evidence against brominated chemicals".³ In a recent Open Letter calling the EU Commission to introduce binding rules on lobbying, BSEF was described as an "industry front group run from the Brussels offices of a global PR firm, on behalf of chemical industry clients".⁴ This sparked a swift reaction from BSEF, which just a few days later published a statement on a widely read EU-focused news site. In the statement BSEF presented itself as "dedicated to further the scientific and regulatory understanding of brominated chemicals including flame retardants" and argued that they have no secrets and "have staff and employ consultants like many other bodies in Europe". The statement explained that "the fact that we share office space with our outside EU consultant makes perfect sense in terms of cost and operational efficiencies and has never been concealed (it is on the name plaque at the entrance of the building)."⁵ The name plaque in the lobby of the grey office building on Cortenbergh 118 in the Brussels EU quarter indeed shows the BSEF logo next to that of their "outside EU consultant", Burson-Marsteller. Also Dead Sea Bromine Group (now renamed ICL Industrial Products) and the Great Lakes Chemical Corporation receive mail at Cortenbergh 118.

On December 10th, BSEF chairman Dr Raymond Dawson (of the Albemarle Corporation, based in Baton Rouge, Louisiana, US) sent Corporate Europe Observatory a slightly amended version of the statement. "We represent the interests of our members and employ consultants like many other bodies in Europe", writes Mr. Dawson, who flies into Brussels once in a while to assist Burson-Marsteller in BSEF lobbying activities.⁶ The words "have staff" were omitted and for a good reason. Mr. Dawson in his letter no longer referred to Burson-Marsteller as BSEF's "outside EU consultant", but simply "EU consultant". But also

this slightly adapted description does not do justice to the nature of the relationship. Without Burson-Marsteller there would be no BSEF.

BSEF employs no staff of its own in Brussels. Everyone working for BSEF from the Cortenbergh 118 offices is a Burson-Marsteller consultant, from Program Director Lawrie McLaren to Angela Albers of the secretariat.⁷ In fact, as Corporate Europe Observatory's Erik Wesselius was told when he met with Raymond Dawson and Lawrie McLaren at Cortenbergh 118 in mid-January, the whole BSEF budget goes through Burson-Marsteller.⁸

Online transparency?

Selective transparency and pulling up smokescreens are routine practice for BSEF. Dawson wrote in his December 10 letter that "There is absolutely no secret about what interests BSEF represents, who its members are, or where our offices are located. All this information is readily available on our website, www.bsef.com." Dawson fails to acknowledge that the BSEF website recently has gone through a major overhaul which added a lot of new information. Improved transparency is always to be appreciated, but in this case it seems to be only aimed at limiting PR damage to the BSEF after it was publicly challenged over its highly selective openness.

The four BSEF member corporations, which could previously only be found by clicking a button, are now prominently mentioned on the BSEF home page. The link with Burson-Marsteller was previously not mentioned at all, but after the overhaul curious visitors can discover the connection. A new "contact" category lists two staff people as working for Burson-Marsteller, including Lawrie McLaren who was previously presented only as BSEF Program Director (he used to be the only BSEF representative figuring on the website).⁹

The overhaul of the website also brought a change in tone and a move to a more conciliatory discourse. Glossing over the essential role of Burson-Marsteller, the website describes the rationale for establishing the BSEF as follows: "producers of bromine were concerned to investigate the real scientific basis on key issues, believing in some cases that concerns were valid and action needed to be taken and in some cases that allegations were overblown for political reasons."¹⁰ In reality, BSEF has consistently fought against bans and restrictive regulation on bromine flame retardants, while only accepting the need for phase-out in cases when the lobbying battle was lost.

A few weeks after Corporate Europe Observatory received the letter from BSEF Chairman Ray Dawson, another letter came in, this time from Jeremy Galbraith, CEO of Burson-Marsteller Brussels. Galbraith wrote that "references to Burson-Marsteller and our clients contain many factual errors".¹¹ Corporate Europe Observatory replied on January 5th, asking Mr. Galbraith to send a full list of the alleged factual errors, but we have not received such a list yet.¹²

A lobby group with a green and scientific sounding name where all staff members are actually employed by a PR firm, while the bills are paid by four chemicals producers? This might have been simply peculiar, if there wasn't so much at stake for human health and the environment in Europe and the rest of the world.

Bromines under fire

Bromine flame retardants (BFRs) are chemical compounds used in many products, ranging from electronics or computer casings to textiles and furniture, in order to reduce the risks of fire. There are several types of brominated flame retardants on the market, but the debate on potential risks has centred around the so-called polybrominated diphenyl ethers or PBDEs. These substances are used in three technical mixtures: penta, octa and deca. Evidence is growing that PBDEs pose a serious risk to human health and the environment and they are often compared to toxins like DDT and PCBs, both banned in most parts of the world in the 1970s. Sweden took the lead in investigating the effects of these flame retardants, after toxics in the breast milk of Swedish women were discovered in the 1990's. According to scientific studies, PBDEs interfere with the body's hormone system and foetus development, resulting in unusual types of cancer, disturbance of brain development and reduced resistance to disease.¹³ Toxic flame retardants can be replaced by the use of low flammability materials and fire protection systems.

The BSEF member corporations are responsible for 85% of the total global production of bromines and the organisation has over the last seven years worked to prevent regulatory bans and restrictions that were on the way. On the question why BSEF established itself in Brussels, Chairman Ray Dawson responded that "chemicals policy world-wide is led by the EU."¹⁴ As EU environment and health regulations create momentum for similar legislation elsewhere around the world, BSEF concentrated on Brussels first. Since then it has also started lobbying campaigns in the US, including on the state level in California and Hawaii. Peter O'Toole of BSEF/Burson-Marsteller US explained the rationale for establishing the BSEF in Washington D.C. offices (c/o Burson-Marsteller): "Clearly, a lot of the hot and heavy action is happening in Europe. Now it seems California is picking up on it."¹⁵

What is a front group?

With the BSEF, the bromine industry and Burson-Marsteller uses what PRWatch defines as the third party technique. This technique has been defined by one PR executive as "putting your words in someone else's mouth." PR firms often employ the third party technique by using scientists as seemingly independent, authoritative experts to back up a corporate position. Well-known examples of this are the army of phoney but nevertheless often influential 'scientists' that have been paid by corporate interests to deny the reality of climate change or the harmful effects of smoking on human health. Corporate sponsored groups created by PR firms to appear as "independent" third parties is another tactic commonly used in the US. The BSEF comes out of this dubious tradition. In words of Amanda Little of Burson-Marsteller Sidney, "For the media and the public, the corporation will be one of the least credible sources of information, on its own product, environmental and safety risks. Both these audiences will turn to other experts ... to get an objective viewpoint".¹⁶

PRWatch defines front groups and industry-funded organisations as "an organisation that purports to represent one agenda while in reality it serves some other party or interest whose sponsorship is hidden or rarely mentioned."¹⁷ Even when it is disclosed that the funding comes from industry, as the BSEF generally (but far from systematically) does, there are many other forms of deception. As PRWatch notes, "this sort of manipulation doesn't necessarily entail outright lies of commission, but it typically entails lies of omission that disguise the identity of the message's sponsor... Using lies of omission rather than commission enables the people who participate in front groups to rationalise that they aren't really doing anything wrong."

Lies of omission?

One example of the BSEF's very selective approach to transparency is the groups' February 2003 press release celebrating the Dutch government's decision to end a ban on BDBPT, another bromine flame retardant. The press release praises bromine flame retardants across the board and presents the BSEF as a group dedicated to higher fire safety standards.¹⁸ The press releases nowhere mentions that BSEF represents the producers of BDBPT, nor is Burson-Marsteller mentioned. Contact persons are Lawrie McLaren and a Dutch Burson-Marsteller consultant. All press releases issued by the BSEF in 2004 (as posted on the BSEF website) fail to disclose the 100% corporate nature of the Bromine Science and Environmental Forum.

The bromine corporations lobby as BSEF, as individual companies and under the official industry umbrella the European Brominated Flame Retardant Industry Panel (EBFRIP) – which is also run by Burson-Marsteller!¹⁹ As if this is not enough, there is also the Alliance for Consumer Fire Safety in Europe (ACFSE), which also has its secretariat address at 118 Avenue Cortenbergh. The public face of ACFSE is British fire-fighter Robert Graham, whose campaign for bromine flame retardants included putting furniture on fire in front of the European Parliament building in Strasbourg. On ACFSE's stationery the address does show the link with the PR agency ("c/o Burson-Marsteller"), but the connection with the bromine industry is concealed.²⁰ The ACFSE website (just recently taken offline) presented horror stories of consumer products combusting. The site solicited membership from fire-fighters, scientists, consumers organisations, etc. Contact persons in ACFSE press releases were Burson-Marsteller consultants. The PR firm also uses the website www.firesafety.org as an additional voice in defence of brominated flame retardants (BFRs).

Dark record

BSEF claims to be "dedicated to further the scientific and regulatory understanding of brominated chemicals including flame retardants". The history of the bromine producers behind the BSEF however does not make it easy to believe this noble mission. As documented by the US-based Political Ecology Group in their 1997 report *The Bromide Barons*, the US companies involved in the BSEF have a track record of blocking, delaying and weakening a US ban against methyl bromide, a hazardous but highly profitable chemical.²¹ BSEF member Albemarle Corporation (which owns the Ethyl Corporation) also has a particularly dark history of attempting to delay the phase-out of lead gasoline in the US.

The BSEF has two sets of closely related activities. In the BSEF's own words these are to "commission science on BFRs and bromine and to educate decision-makers on the results of this science, and to represent the bromine industry on issues of environment and human health".²² In reality, however, this seems to boil down to subcontracting 'science' that fit BSEF purposes and to lobby parliamentarians, government officials and regulators against restrictions on the use of the bromine flame retardants.

Parliament upsets BSEF

In 2001, the BSEF lobbied to influence the European Parliament's decision-making on two directives which could lead to bans or restrictions on bromine flame retardants.²³ In the run-up to the vote, BSEF (or more likely Burson-Marsteller) produced several glossy newsletters titled "Bromine is best". The issue that was released on the eve of the vote, included a detailed overview of the amendments that the BSEF wanted MEPs to support and which not.²⁴ All amendments from the two UK conservative MEPs Goodwill and Bowis got the BSEF's thumbs-up ("maintains fire safety"), whereas most other amendments were rejected as "un-

justified discrimination”, etc. “BFRs are not dangerous substances”, the newsletter claimed. It however also acknowledged that penta-BDE & PBB, are of concern for environment and health and that the industry was phasing out PBB on a voluntary basis and would comply with a ban on penta-BDE.

Still it came as a bad surprise for the BSEF when the European Parliament in September 2001 voted to ban not only penta-BDE, but also octa-BDE and deca-BDE. An EU risk assessment had already concluded Penta-BDE to be a risk to the environment and the Parliament made the ban on the two latter dependent on the outcome of ongoing assessment procedures. Robert Campbell of BSEF member company Great Lakes Chemical Corporation called the Parliament’s decision a “dangerous precedent”.²⁵

According to an industry newswire, Campbell “disagreed with Europe's characterisation of these chemicals as hazardous.”²⁶ “The potential risks of these chemicals need to be compared to the substantial risk of harm caused by people being burned,” Campbell said.²⁷ Even the penta-BDE ban angered Campbell, who stated that “Great Lakes could have conducted additional studies to refute that conclusion but decided not to do so because the European market for this chemical is so small that it did not warrant the investment.”²⁸

After this set-back, the BSEF concentrated its lobby strategy on the risk assessments of the two other bromine flame retardants and particularly decabrominated diphenyl ether (deca-BDE). The European Parliament wanted to include not only penta-BDE and octa-BDE, but also deca-BDE in the general ban, as it was to be banned in the directive on electrical and electronic equipment, but was unable to move the Council of Ministers to support this in the conciliation negotiations. Restrictive action on deca-BDE was postponed until the Community risk assessment report was completed. Deca-BDEs account for 91% of the total volume of PBDEs used in Europe in 2001. This explains why the bromine corporations prioritised preventing a ban on this product.

Silencing critics?

The BSEF has a remarkably aggressive strategy towards critics exposing the impacts of toxic bromine products. In a May 2003 letter on behalf of the BSEF, the law firm Harbottle & Lewis urged newspapers and television broadcasters not to cover the warnings against BFRs issued by WWF and other environmental groups. The letter advised the media to consult Lawrie McLaren on issues related to BFRs and ended with the following blunt notification: “We should state for the record that our clients will be monitoring future press and media coverage on the issue of BFRs, and will not hesitate to pursue all remedies available to them should there be any incorrect or inaccurate statements in relation to BFRs that adversely affect our clients' businesses.”²⁹

BSEF’s lobby coup

The final decision whether or not to ban deca-BDE was to be based on the results of a ten-year long EU risk assessment study initiated by the European Commission in 1994. But long before the study was concluded the bromine industry kicked off an intensive lobbying campaign to influence the results. The conclusion of the study was to be finalised in May 2004 and in the months before industry built up strong pressure on the regulators, who had clearly indicated that they were considering to recommend banning the chemical.

It was also in this crucial phase of decision-making that the BSEF, in the words of Axel Singhofen, assistant to the Greens in the European Parliament and a witness to the decision-making process on the PBDEs, managed to “land a real coup by making the Commission say that the directive on the restriction of certain hazardous substances in electrical and

electronic equipment (RoHS) did not cover deca-BDE, contrary to what the Commission always intended to do".³⁰

Although it was entirely clear that the ban of PBDEs in the RoHS directive did include deca-BDE, Lawrie McLaren convinced the Commission director in charge to issue a statement exempting deca-BDE. In a letter dated 25 February 2004, D. Grant Lawrence of DG Environment assured Lawrie McLaren that Deca-BDE "is currently covered by the exemptions" and that this would remain the case unless the risk assessment concluded restriction is necessary.³¹ The remarkable letter, starting with a amicable "Dear Lawrie", must have been celebrated as a major victory at Cortenbergh 118 as well as in the headquarters of BSEF member corporations.

The BSEF wasted no time. On March 3, it released a statement saying that "The European Commission's Environment Directorate-General has now been able to clarify to BSEF in writing that Deca-BDE is exempted from the RoHS Directive's restrictions". Stretching the truth quite a bit, the statement claimed that "This is the formal view of the European Commission as a whole including its Legal Services."³²

However, their triumph did not last long. A week later a cross-party protest letter from six MEPs³³ forced then Environment Commissioner Margot Wallström to override her director and to reconfirm the ban. The letter to Wallström made clear that the legislative intent of the majority of the European Parliament had been to include Deca-BDE in the ban, as the Commissioner herself had acknowledged in a plenary debate at the Parliament in April 2002. Wallström's response letter left no space for doubt: "It is clear from the text agreed by the co-legislators that Deca-BDE is at present banned and this ban will be subject to a review in the light of the risk assessment."³⁴

Luring the regulators?

After an angry initial reaction,³⁵ the BSEF re-focused on the risk assessment procedure which could get the European Commission to review the status of Deca-BDE before the directive comes into force.

Documents obtained by Corporate Europe Observatory reveal some rather blunt BSEF lobbying tactics towards the European Chemicals Bureau (ECB), which plays a key role in EU risk assessments.³⁶ Aiming to influence the outcome of an important December 2003 meeting of EU regulators deciding on the future of Deca-BDE, then BSEF Chairman David Sanders sent a fax to Dr. Vollmer, Head of Unit at the ECB. Following up on a meeting they held on 14 November, Sanders reminded Vollmer that "we rely on the ECB as the chair of the meeting to ensure that the Member State representatives do not, for example, invoke the precautionary principle."³⁷ A remarkable request, as the precautionary principle has since the 1992 Maastricht Treaty been enshrined as the very basis of European Union environmental policy.

The anxiously expected assessment report, finalised in May 2004, concluded that there is insufficient risk proven to impose a general restriction on deca-BDEs. The report however also states that continued monitoring the environmental effects of the substance is necessary. According to Axel Singhofen, the controversial decision was influenced by the BSEF's voluntary commitment to develop, in collaboration with regulators, a programme of emissions reductions and independent environmental monitoring.³⁸ The programme however only covers emissions from the production of deca-BDE, which accounts for a minority of the total emissions to the environment. This means that the overwhelming majority of emissions which occur in the waste phase will simply continue.

Now that an EU-wide ban has become unlikely, the Swedish government has announced that it will move ahead with a national ban on deca-BDE. Environment Minister Lena

Sommestad commented that: "We know that deca-BDE is a persistent substance that spreads in the environment. The best thing to do would be an EU-wide ban. But as things are moving this slowly we must now push the issue ourselves."³⁹

Industry reacted swiftly on the Swedish moves which they claimed are "not justified by science and which appears to be a clear case of political prejudice as it deliberately disregards a European scientific assessment."⁴⁰ The European Bromine Flame Retardant Industry Panel (EBFRIP) asked the European Commission to act and prevent the Swedish ban.

Sound Science?

The BSEF also uses more subtle, but problematic, ways to influence the debate about BFRs. Its sponsors scientific studies, which tend to conclude that the disputed bromine compounds are in fact good for the environment. In his letter to CEO, BSEF Chairman Raymond Dawson boasts that "the BSEF has commissioned more than 100 studies from independent scientists and scientific institutes."⁴¹ How many of these studies, one is tempted to ask, have resulted in conclusions that did not fit the commercial interests of the producers of the chemicals in question? When the results of these studies get published in academic and scientific magazines, often the link with the bromine corporations that sponsored the study is not clearly disclosed. An example is the article on the "Comparison of the Recyclability of Flame-Retarded Plastics", published in the Journal of Environment, Science and Technology, February 2003. Although the article acknowledges the involvement of the Bromine Science and Environmental Forum in the study, it doesn't clarify that the sole members of the BSEF are the world's four largest bromine producers.

The BSEF clearly uses 'science' as a political tool. The group has systematically attempted to discredit other scientific reports with conclusions that did not fit their agenda. An example is the so-called Viberg study, which raised serious concerns about the developmental neurotoxicological effects of deca-BDE on mice brains.⁴²

Another example: when scientists discovered three forms of PBDEs in the arctic regions of Canada, BSEF issued a statement downplaying the importance of the study. In a statement mirroring decades of industry denial of the dangers of other toxic chemicals, the BSEF stated that "In this type of forbidding environment, some algae naturally produce some brominated compound types."⁴³

In correspondence with the European Commission obtained by Corporate Europe Observatory, the bromine industry does not appear driven by the pursuit of scientific truth about the environment and health impacts of PBDEs.⁴⁴

The correspondence shows how representatives of BSEF, EBFRIP and the individual corporations – acting collectively or on their own – have exerted pressure to avoid EU-bans, particularly on deca-BDE, their main endangered money-maker. Environmental NGOs calling for a precautionary ban were discredited and their positions caricaturised, in particular WWF. "It is clear that WWF's agenda is to ban any chemical found in the environment no matter the minimal degree of risk,"⁴⁵

The potential of disclosure rules

When Burson-Marsteller's front group constructions are exposed, the company's standard response is to pretend that nothing is wrong. BSEF, Alliance for Consumer Fire Safety and the European Brominated Flame Retardant Industry Panel are all run by Burson-Marsteller. According to Dawson and McLaren this is a quite normal construction for chemical sector organisations.⁴⁶ While this may be the reality that has developed in Brussels over the past decade, the real question is of course whether these practices are desirable or even acceptable from a democratic point of view.

According to sources in the European Parliament, MEPs being approached by Lawrie McLaren or other BSEF lobbyists are very unlikely to know that the group and its activities are de facto run by Burson-Marsteller. The European Parliament's code of conduct requires PR consultants to disclose their client,⁴⁷ but in this case the problem is the opposite. McLaren pretends to represent an interest group which in reality only exists because four corporations based in the US, Israel and Japan pay him and others at Burson-Marsteller to fight EU restrictions on their products. Parliamentarians (and the general public) have the right to know the full truth about the BSEF.

The BSEF-Burson-Marsteller pantomime underlines that EU rules on lobbying are absurdly weak and totally insufficient to address the problematic aspects of lobbying at the EU level. Without a radical improvement of the registration and reporting obligations for lobbyists at the European institutions, there can be no effective democratic scrutiny of corporate influence over EU policy-making. Important lessons can be learned from the lobbying disclosure legislation in place in the United States and Canada, which obliges firms and organisations (with a lobbying budget over a certain threshold) to submit regular reports on which issues they are lobbying on, for which clients and with what budget. Interestingly, in his letter to Corporate Europe Observatory, Jeremy Galbraith, CEO of Burson-Marsteller Brussels, wrote "For the record, we have no objection to registration of lobbyists as currently occurs in Washington".⁴⁸

While the US Lobbying Disclosure Act is light-years ahead of the EU in terms of providing basic transparency, it fails to prevent deceptive lobbying practices. Its potential positive effects on US politics are dramatically undermined by the disastrous impact of massive corporate campaign finance donations, but the US disclosure rules also suffer from major loopholes. Public Citizen is one of the civil society groups campaigning for tighter transparency and ethics rules in the US.⁴⁹ The group points out that the current rules are not effectively implemented and it recommends to create an "independent and central ethics office for monitoring, disclosing and enforcing lobbying and ethics laws and regulations." In order to make the information accessible, Public Citizen envisages "a fully searchable, downloadable web-based lobbying disclosure database", which would allow anyone to search on laws and specific issues lobbied on. Public Citizen also stresses the need for stricter rules to prevent 'revolving doors' and for expanding disclosure obligations to often fake "grassroots" lobbying campaigns conducted by corporations and PR firms. These reports, Public Citizen stresses "should require information from paid lobbyists or their employers about their identity, clients, expenditures, and policy foci."

While this type of regulation would probably still not be sufficient to weed out deceptive lobbying and PR tactics in Brussels, such transparency would help undermine the effectiveness of such practices. It would enable parliamentarians to know who is lobbying them (and their colleagues!), help the media to increase their scrutiny of corporate lobbying campaigns and also provide civil society with a potent tool for counter-campaigning.

Burson-Marsteller's bad habits

The BSEF and the other bromine groupings operating from Av. de Cortenbergh 118 fit in a long tradition of Burson-Marsteller front groups. In the US, Burson-Marsteller has since the 1980's assisted industry with establishing tailor-made groupings to promote corporate agendas while claiming to represent the public interest.⁵⁰ In 1993, for instance, it helped for Philip Morris by launching a fake grassroots coalition called the National Smokers Alliance, "defending smokers rights" (with Burson-Marsteller consultants in top positions of the 'alliance').⁵¹ In 1995 the firm set up the Foundation for Clean Air Progress, a front for an industry campaign to pressure the US Environmental Protection Agency not to adopt tougher air pollution controls.

Burson-Marsteller introduced these tactics in Europe more than a decade ago. In 1994, for instance, the company was heavily involved in setting up the European Science and Environment Forum (ESEF). This group, with a name remarkably similar to that of the BSEF, calls itself "an independent, non-profit-making alliance of scientists whose aim is to ensure that scientific debates are properly aired, and that decisions which are taken, and action that is proposed, are founded on sound scientific principles."⁵² However, according to PRWatch, its real mission was to disparage the science upon which environment and health regulations are based. A turf war between Burson-Marsteller and competing PR giant APCO undermined the ESEF's momentum.

Setting up 'front groups' seems to be a standard ingredient of the package of services that Burson-Marsteller offers its corporate clients. In September 2004, the UK newspaper the Observer revealed that Burson-Marsteller was behind the Coalition to Prevent Deep-Vein Thrombosis (DVT – better known as economy class syndrome).⁵³ Covertly funded by pharmaceuticals giant Aventis, this fake pressure group launched an alarmist campaign designed to boost the sales of Lovenox. As usual the PR firm denied there was anything wrong or unethical about running fake NGOs. David Earnshaw, managing director of Burson-Marsteller in Brussels and in charge of the thrombosis campaign, simply denied there was any covert strategy.

A similar case was uncovered in early 2004, again by UK newspaper the Observer and again exposing Burson-Marsteller's Brussels office in a deeply problematic role.⁵⁴ In this case the PR giant had invited celebrity women to join "European Women for HPV Testing", seemingly an independent grassroots initiative to pressure regulators to introduce new screening tests claimed to help predict cervical cancer. The campaign was covertly funded by Digene Corporation, the producer of the tests, that wanted to increase sales of the product. When the story broke, the women enrolled to support the campaign were outraged never to have been informed about the Digene link. Burson-Marsteller CEO Jeremy Galbraith admitted that his firm had established the group in 2001 as a front for its lobbying campaign, but insisted it was done to raise awareness of the links between the HPV and cervical cancer. After the Observer article was published, the website of "European Women for HPV Testing" was changed so it now discloses the unrestricted grant from Digene Corporation.

- ¹ The four member corporations are the Dead Sea Bromine Group (recently renamed ICL Industrial Products), the Great Lakes Chemical Corporation, the Albemarle Corporation, and the Tosoh Corporation.
- ² Notes from meeting with Dawson and McLaren, 19 January 2005 (Erik Wesselius, Corporate Europe Observatory).
- ³ [Tainted Catch](#), Environmental Working Group, July 2003.
- ⁴ The [Open Letter](#) (dated 25 October 2004), now signed by over 260 groups, called upon the new European Commission to introduce far stricter rules on corporate lobbying, stop 'revolving doors' and end the privileged power of corporate groupings. The letter illustrated the need for improved and enforceable ethics and transparency rules with the example of the BSEF. The letter also mentioned that the BSEF is lobbying against tighter health and environment regulations concerning toxic bromines.
- ⁵ [BSEF statement following Open Letter to Barroso](#), 28 October 2004.
- ⁶ [Letter from BSEF Chairman Ray Dawson to Corporate Europe Observatory](#), 10 December 2004.
- ⁷ Lawrie McLaren's business card says: Managing Director, Burson-Marsteller. At BSEF he is "Program Director".
- ⁸ Notes from meeting with Dawson and McLaren, 19 January 2005 (Erik Wesselius, Corporate Europe Observatory).
- ⁹ Before the overhaul of the website, the contact page contained only the BSEF secretariat address and Mr Lawrie McLaren was introduced as BSEF program director.
- ¹⁰ [BSEF home page](#), visited in January 2005.
- ¹¹ [Letter from Burson-Marsteller CEO Jeremy Galbraith to Corporate Europe Observatory](#), 21 December 2004.
- ¹² In his letter to Corporate Europe Observatory, Mr. Galbraith pointed that he is the CEO of Burson-Marsteller Brussels, whereas David Earnshaw is managing director. This will be corrected in the next edition of the Lobby Planet. See our [answer to Mr. Galbraith](#), 5 January 2005.
- ¹³ [Factsheets on brominated flame retardants](#), Swedish Society for Nature Conservation, 2003.
- ¹⁴ Notes from meeting with Dawson and McLaren, 19 January 2005 (Erik Wesselius, Corporate Europe Observatory).
- ¹⁵ [California is U.S. gateway for European enviro laws](#), Associated Press, 24 July 2003.
- ¹⁶ [Third party technique](#), Sourcewatch WIKI, visited in January 2005.
- ¹⁷ [Industry-funded organizations](#), Sourcewatch WIKI, visited in January 2005.
- ¹⁸ [Nederlandse regering heft productieverbod brandvertrager op](#), BSEF press release, Brussels, 28 February 2003.
- ¹⁹ EBFRIIP members are the European branches of three of the four BSEF member corporations: Albemarle S.A., Eurobrom BV (representing Dead Sea Bromine Group) and Great Lakes Chemical (Europe) Ltd. Source: [EBFRIP website](#), January 2005.
- ²⁰ See for instance [ACFSE's submission to the European Commission's consultation](#) on the revision of the RoHS directive, 2 July 2004.
- ²¹ Methyl bromide is a by-product of the largest volume brominated flame retardant (BFR) in production today: tetrabromobisphenol-A (TBBPA). TBBPA is widely used in electrical and electronic equipment like computers. See: [Bromide Baron Rap Sheet #2](#), Political Ecology Group, 31 March 1997 and [TBBPA Tetrabromobisphenol-A Fact Sheet](#), edition 2004, BSEF.
- ²² [BSEF home page](#), visited in January 2005.
- ²³ The directives on Waste Electrical and Electronic Equipment (WEEE) and Reduction of the use of Hazardous Substances (RoHS).
- ²⁴ [Bromine is best.... a newsletter from the Brominated Flame Retardant Industry](#), Number 6, 14 May 2001.
- ²⁵ "Industry Urged to Oppose Parliament Vote To Ban Substances Before Analysis Finished", *Chemical Regulation Reporter*, Volume 25 Number 37, 17 September 2001.
- ²⁶ About penta-BDE Campbell "said he is not pleased that the chemicals have been found in the environment, but no one has been able to prove that the low levels detected are having any adverse effects". Ibid.
- ²⁷ "No Plans Now From EPA to Regulate Flame Retardants Banned by EU Parliament", *Chemical Regulation Reporter*, Volume 25 Number 37, 17 September 2001.
- ²⁸ Great Lakes only stopped producing penta-BDE by the end of 2004, after the substance had also been banned in California, Maine and Hawaii. See for example: [Flame Retardants to be Extinguished](#), Marla Cone, Los Angeles Times, 4 November 2003.
- ²⁹ [BSEF threat letter](#) to media, 6 May 2003.
- ³⁰ E-mail from Axel Singhofen, Adviser on Health and Environment Policy Greens/EFA in the European Parliament, 13 December 2004.
- In 2003, the EU adopted two different directives that concerned BFRs: one directive, known as RoHS banned all PBDEs as well as PBBs in electrical and electronic equipment [[Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment](#)], the other banned the use of two types of PBDEs (Penta-BDEs and Octa-BDEs) across the board [[Directive 2003/11/EC of the European Parliament and of the Council of 6 February 2003 amending for the 24th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations \(pentabromodiphenyl ether, octabromodiphenyl ether\)](#)].

- ³¹ [Letter from D. Grant Lawrence \(DG Environment, director Governance, Communication & Civil Protection\) to Lawrie McLaren \(BSEF\)](#), 25 February 2004.
- ³² [European Commission clarifies that Deca-BDE is exempt from EU restrictions](#), BSEF statement, 3 March 2004.
- ³³ [Letter sent to Margot Wallström, signed by MEPs Karl-Heinz Florenz, Bernd Lange, Chris Davies, Jonas Sjöstedt, Alexander de Roo and Johannes Blokland](#), 10 March 2004.
- ³⁴ [Letter from Margot Wallström to MEPs Karl-Heinz Florenz, Bernd Lange, Chris Davies, Jonas Sjöstedt, Alexander de Roo and Johannes Blokland](#), 29 March 2004.
- ³⁵ [BSEF Requests Clarification of Deca-BDE Status in the RoHS Directive](#), 22 March 2004.
- ³⁶ The [European Chemicals Bureau](#) is part of the DG Joint Research Centre. Risk assessments are undertaken according to a list of priority chemicals identified by the ECB.
- ³⁷ Fax sent by BSEF Chairman David Sanders to Dr. Vollmer, Head of Unit at the ECB (Institute for Health and Consumer Protection Unit: Toxicology and Chemical Substances), 27 November 2003. A copy of this fax is on file with Corporate Europe Observatory.
- ³⁸ Voluntary commitment by BSEF and the British Plastics Federation on deca-BDE in the plastics sector. [Managing Emissions of Persistent Chemicals by Proactive Commitment to Good Practice: A Code of Good Practice for the Use of the Flame Retardant Decabromodiphenylether \(Deca-BDE\) in the Plastics sector](#), BSEF and British Plastics Federation, May 2004.
- ³⁹ "Swedes lead way with chemical ban", Roger Falk, *European Voice*, Vol. 10 N.17, 13 May 2004.
- ⁴⁰ ["Swedish political decision to commission a proposal to ban Deca-BDE contradicts EU science results"](#), EBFRIIP press release, 11th May 2004.
- ⁴¹ [Letter from BSEF Chairman Ray Dawson to Corporate Europe Observatory](#), 10 December 2004.
- ⁴² Viberg H., Fredriksson A., Jakobsson E., Örn U. and Eriksson P. (2003). Neurobehavioural derangements in adult mice receiving decabrominated diphenyl ether (PBDE 209) during a defined period of neonatal brain development. *Toxicological Sciences*, 76(1): 112–120 (2003).
- ⁴³ "Detection of Newer Chemicals in Arctic Points to Global Presence, Researcher Says", *Chemical Regulation Reporter*, Volume 27 Number 35, 8 September 2003.
- ⁴⁴ Documents obtained by CEO show a range of meetings and a large amount of correspondence between representatives of the BSEF, EBFRIIP, CEOs of Albemarle, Dead Sea Bromine Group and Great Lakes Chemical and then Environment Commissioner Margot Wallström and other high-level officials at the Commission with a say on the regulatory process on bromine flame retardants. CEO was refused access to a range of these documents.
- ⁴⁵ *BSEF Comments on "WWF'S COMMENTS ON THE ENVIRONMENTAL RISK ASSESSMENT OF DECA-PBDE (COM013_env_WWF3.doc)"*, BSEF, 27 November 2003. A copy of this document is on file with Corporate Europe Observatory.
- ⁴⁶ Notes from meeting with Dawson and McLaren, 19 January 2005 (Erik Wesselius, Corporate Europe Observatory).
- ⁴⁷ "In the context of their relations with Parliament, the persons whose names appear in the register provided for in Rule 9(2) shall:" "state the interest or interests they represent in contacts with Members of Parliament, their staff or officials of Parliament". Source: Rules of Procedure of the European Parliament (16th edition – July 2004), [ANNEX IX, Provisions governing the application of Rule 9\(2\) – Lobbying in Parliament, Article 3 \(Code of conduct\)](#).
- ⁴⁸ [Letter from Burson-Marsteller CEO Jeremy Galbraith to Corporate Europe Observatory](#), 21 December 2004.
- ⁴⁹ *Conduct and Disclosure of Lobbying Activities: Compendium of Potential Reform Proposals*, Public Citizen, 20 July 2004.
- ⁵⁰ See for instance page 34 in *Global Spin – the Corporate Assault on Environmentalism*, Sharon Beder, Green Books, 1997.
- ⁵¹ For an overview, see *ibid*.
- ⁵² [European Science and Environment Forum](#), Sourcewatch WIKI, visited in January 2005.
- ⁵³ [Drug firm plays up long flights fear](#), Antony Barnett, *The Observer*, 26 September 2004.
- ⁵⁴ [Revealed: how stars were hijacked to boost health company's profits](#). Antony Barnett, *The Observer*, 25 January 2004.