



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL
Health systems and products
The Director

Brussels,
sanco.ddg1.d.3/TD/mly(2012)1744942

NOTE TO PAOLA TESTORI COGGI, DIRECTOR GENERAL DG SANCO

Subject Scientific Committees – Potential Conflict of Interest

This note is to seek your agreement to the proposed course of action on the potential conflict of interest situation involving Prof. J. Bridges, Chair of the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), and Prof. W. Dekant, member of the Scientific Committee on Health and Environmental Risks (SCHER). This proposal has been agreed between SANCO D3 and 03.

We were informed by the ECHA secretariat that the two scientists participated in the ECHA Risk Assessment Committee (RAC) meeting (27-30 November 2012) as accompanying scientists for industry groups.

Prof. Bridges was there for the European Plastic Converters (EuPC) and Prof. Dekant for the European Council on Intermediates and Plasticisers (ECPI). Their role in the meeting was to contribute to the discussion concerning two non-classified phthalate esters, DINP and DIDP, which are being examined by RAC for potential restrictions under the REACH regulation. The two scientists will be listed in the official, published RAC minutes as 'accompanying scientists' to 'industry observers'. They both reported that they received their normal consultancy fees for this activity.

Both scientists failed to inform their respective Committee and the Commission of this activity in advance, and did not update their declarations of interest (DoI) as they were required to do under Annex V of the Scientific Committees' (SCs) Rules of procedure. The rules (point V.21 and Annex III) clearly state that 'members...are under a continuing duty to declare any activity, situation, circumstance or other fact potentially involving a direct or indirect interest...in order to allow the Scientific Committees and/or the Commission to identify those interests which might be considered prejudicial to the independence of the member, Advisor or External Expert'.

Both scientists declared the RAC activity *post facto*: Prof. Bridges at the first Working Group meeting he attended after the RAC and Prof. Dekant in response to a request by SANCO D3. As requested by SANCO D3, both scientists offered detailed and clear explanations in writing.

In terms of activities relating to phthalates, Prof. Bridges is a member of the SCENIHR Working Group (WG), which is elaborating an opinion on DEHP (classified as a CMR phthalate ester) in medical devices. He was the Chair of the WG, but promptly resigned from the Chair (but not from being a member of the WG) when he declared the RAC meeting.

Prof. Dekant has not been involved in any SC activities on phthalates.

In terms of other SC potentially relevant activities, Prof. Bridges is a member of the SCENIHR WG on bisphenol A (BPA), which - although not related to phthalates - is often grouped with them under the 'endocrine disrupting substances' label.

Prof. Dekant is not involved in any other SC activities which could be linked to this matter.

On the basis of the above and the provisions of the legal basis (Commission Decision 2008/721/EC) and the Rules of Procedure of the Scientific Committees concerning independence and declarations related to it, our conclusions regarding this affair are the following:

On procedural grounds, both scientists breached their duty to inform the SCs and the Commission in due course and update their DoIs as necessary (Scientific Committee Rules of procedure, points V.21, V.30 and Annex III).

Regarding the substance of the matter, on strictly scientific grounds, the case for a conflict of interest situation is weak for Prof. Dekant, while it is of more relevance for Prof. Bridges. The RAC meeting concerned two phthalates (DINP and DIDP) for which, Prof. Dekant has never been involved in any SCHER (or other SC) related work, whilst Prof. Bridges is involved as a member of a SCENIHR WG dealing with a phthalate (DEHP), albeit with a completely different toxicological profile.

In the case of Prof. Bridges, his continued participation in the work on DEHP as a member of the SCENIHR WGs could be considered / perceived as a conflict of interest. In the eyes of the public (and the scientific world), the issue concerns collectively 'phthalates' although distinction is made based on the specific chemical. In addition, Prof. Bridges has been actively involved in the past (as Chair of the SCHER) in the highly contentious issue of phthalates in toys. Given his history of involvement in the issue and the high public and political attention on phthalates, his continued participation in the WG may fuel conflict of interest accusations, which would be difficult to defend. In addition, as a Chairman of the SCENIHR he should guarantee unbiased scientific advice. By association and given the high sensitivities on BPA, the same could be said for Prof. Bridges' continued participation in the SCENIHR BPA WG.

On the basis of the above we would propose the following:

1. To ask Prof. Bridges to discontinue his membership in the SCENIHR WGs on DEHP and BPA.
2. As no further plenary is scheduled in January/February 2013 (until end of current mandate), both scientists can remain members of the current SCENIHR and the SCHER, respectively. However, should there be a plenary foreseen, Prof. Bridges should not Chair it and should be requested to leave the room when the above subjects are discussed.
3. To convey to both scientists, by letter from you, SANCO's views concerning the breach of established procedures on independence declarations, and draw their attention to the need to scrupulously apply existing rules in the future. At the same time we should inform the Chair of the SCENIHR WGs (for both Prof. W. de Jong) that Prof. Bridges has been asked to discontinue his membership in the SCENIHR WGs on DEHP and BPA.

I am seeking your agreement to the above.

[Signed in ARES]
Andrzej RYS

Copies :

[REDACTED]