

Fearmongering for Profit

The example presented here of fearmongering for profit is the lawsuit brought against Pacific Gas & Electric by 650 citizens of Hinkley, California in 1993. Overall, the evidence supports the conclusion that, although guilty of not adequately controlling leakage of dangerous chemicals from its production facility, Pacific Gas & Electric was not guilty of creating the myriad of health difficulties claimed by the 650 plaintiffs. Nevertheless, in 1996, Pacific Gas & Electric settled the case for \$333 million.

Erin Brockovich, the legal assistant who organized the lawsuit, subsequently was the central figure in a Hollywood motion picture that depicted her as a public heroine. Brockovich later was honored by Harvard University as the recipient of its *Julius Richmond Award*, presented to those who "have promoted and achieved high standards for public health conditions."

Michael Fumento, a senior fellow at the Washington, D.C. based Hudson Institute, has challenged the validity of the claims made in the lawsuit as unsubstantiated by scientific facts.

The letters and articles linked to this page document the on-going argument between Brockovich and Fumento. This page provides a brief synopsis of the central points of their debate.

The Events

1. In 1993, Erin Brockovich, a legal assistant for the law firm of Masry & Vititoe, organized 650 plaintiffs from Hinkley, California to file a lawsuit against Pacific Gas & Electric.
2. A nearby production facility owned and operated by PG&E was in fact leaching chromium 6 into groundwater reservoirs that served the city of Hinkley. In their lawsuit, the citizens of Hinkley blamed ingestion of chromium 6 on a wide range of medical ailments, including cancer, miscarriages, and spinal deterioration.
3. In 1996 PG&E settled the case for \$333 million.

The Debate

Fumento Letter ([full text](#))

In March, 2000, Michael Fumento, of the Hudson Institute, wrote a letter to the Editor of the Wall Street Journal claiming that the lawsuit had no scientific basis.

He said that:

1. No one agent possibly could have caused more than a handful of the symptoms described.
2. Chromium 6 in the water almost certainly did not cause any of them.

Brochovich Reply (full text)

In April, 2000, Erin Brochovich and Gary A. Praglin, one of the attorneys who prosecuted the case on behalf of the Masry & Vititoe law firm, wrote a reply to Fumento.

They said that:

1. Chromium 6 has been found to be carcinogenic.
2. PG&E measured levels of chromium at the Hinkley site at 20 ppm (40 times higher than that claimed by Fumento).
3. Fumento "blithely ignored" the testimony of the residents of Hinkley.
4. Fumento cites William Blot, a paid consultant of PG&E.
5. PG&E would not have settled if the case against it were not a strong one.

Fumento Response (full text)

Four days later, Michael Fumento writes a response.

He states:

1. Chromium 6 has not been found to be carcinogenic when ingested.
2. Even Brockovich in her lawsuit admitted the facts, that the highest level of chromium 6 found near Hinkley was .58 ppm.
3. Just because the citizens of Hinkley had ailments, just like citizens in all communities, it does not mean that these ailments were caused by ingestion of chromium 6 and there is no scientific evidence to support that claim.
4. Blot was just one of several experts that were cited in the first letter.
5. PG&E settled because of fear of losing much more, not because they were guilty of causing the ailments suffered by the citizens of Hinkley.

The Scientific Data (Chromium 6 data).

The scientific data supports Fumento's position.

Stay Tuned... (full text)

Brockovich and the Masry & Vititoe law firm now are suing several oil companies and the city of Beverly Hills, California, claiming that oil wells on the campus of Beverly Hills High School have created high rates of cancer among students who attended the school between 1975 and 1997.

Fumento states that their evidence is fabricated and their science is faulty. He notes that, "When the University of Southern California looked at the cancer rates of Beverly Hills alumni it found nothing unusual."