

ATRA



The Junk Science Playbook:

The machine that sparks and supports
mass tort litigation.

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INTRODUCTION AND EXECUTIVE SUMMARY

Mass tort litigation is a sprawling, profit-driven enterprise—one that increasingly relies on manufactured science rather than legitimate scientific research. What appears to the public as a wave of alarming new health risks is often the product of a coordinated ecosystem of plaintiffs’ lawyers, litigation-friendly laboratories, advocacy groups, and quasi-academic organizations. Together, these actors generate studies that appear scientific but collapse under scrutiny, then amplify them through journals, media campaigns, and hired experts. The result is a powerful illusion: the appearance of scientific consensus where none exists.

This report exposes that machinery. It traces how questionable research is conceived, funded, published, and ultimately weaponized in courtrooms across the country. It shows how conflicts of interest are concealed, how flawed methodologies are repackaged as breakthroughs, and how journals with lax standards provide a veneer of legitimacy. It also documents how these tactics distort public understanding of risk, pressure companies into massive settlements, and undermine confidence in real science.

The stakes are not abstract. Junk science can reshape regulatory policy, drive products off the market, and mislead judges and juries tasked with evaluating complex scientific questions. As mass tort litigation expands—with the help of aggressive advertising and outside investors—the need for rigorous scrutiny has never been greater.

KEY FINDINGS

- **A coordinated ecosystem manufactures scientific claims for litigation.** Quasi-academic organizations, litigation-support laboratories, and agenda-driven nonprofits produce studies that conflict with mainstream science. These studies often rely on flawed methods, undisclosed conflicts of interest, or data manipulated to support predetermined conclusions.
- **Open-access and pay-to-publish journals amplify weak or fraudulent**

research. The rapid growth of predatory journals—many lacking meaningful peer review—has created a pipeline for questionable studies to enter public discourse. Retractions have surged, yet these papers continue to influence litigation, media coverage, and regulatory debates.

- **Advocacy groups and media outlets help transform weak science into public alarm.** Organizations with strong ideological or financial incentives promote these studies to journalists, who often lack the time or expertise to evaluate scientific validity. Sensational headlines create public pressure and provide plaintiffs’ lawyers with powerful recruitment tools.
- **Expert witnesses convert junk science into courtroom testimony.** A small cadre of highly compensated experts routinely offer opinions unsupported by established science. Some courts have served as gatekeepers, subjecting scientific claims to proper scrutiny. Courts that fail to rigorously apply evidentiary standards, however, allow flawed theories to shape verdicts and drive settlements.
- **Emerging areas—acetaminophen, vaccine safety, and climate change “attribution science”—show the playbook repeating.** When existing science does not support a causation theory, litigation actors generate new studies and media coverage designed to fill the gap. These studies are then used to revive failing

lawsuits, sway public opinion, and influence policymakers.

RECOMMENDATIONS

The report recommends a series of reforms to curb the influence of junk science:

- Strengthening judicial gatekeeping and encouraging states to adopt the 2023 amendments to the federal rules of evidence governing admissibility of expert testimony.
- Increasing transparency around litigation-funded research and requiring disclosure of conflicts of interest.
- Encouraging journalists to scrutinize scientific claims and investigate hidden influences.
- Expecting scientific journals to enforce peer-review standards and distinguishing between reputable and questionable publications.
- Empowering defendants to challenge fraudulent research through discovery, ethics complaints, and, when appropriate, RICO actions.

MERCHANTS OF JUNK SCIENCE

The merchants of junk science, those who create or sponsor it, include (1) quasi-academic entities; (2) litigation supporting testing labs; and (3) agenda-driven nonprofit entities. The studies and lab results that these groups generate and hawk suffer from methodological problems that make their findings highly questionable.

QUASI-ACADEMIC ENTITIES

Two examples of prominent centers for “junk science” are International Agency for Research on Cancer (IARC) and the Ramazzini Institute.

IARC receives its public credibility from being part of the World Health Organization (WHO), which is overseen by the United Nations¹ and serves as the WHO’s “cancer agency.”² The organization is well known for finding that pretty much any substance or activity may “cause” cancer. As *Reuters* has reported, over four decades, IARC has studied nearly 1,000 substances and activities and found only one was ‘probably not’ likely to cause cancer in humans.³ For example, according to IARC, being a pilot causes cancer, as does working as a painter or using a mobile phone.⁴ IARC has rated processed meats, wood dust, and Chinese salted meats at the *same* cancer-causing level as plutonium and mustard gas.⁵ IARC has even deemed “drinking very hot beverages” as “probably carcinogenic.”⁶

Needless to say, IARC’s findings are often directly contradicted by government health agencies and health experts who take pride in spending years studying the potential health and safety impacts of various products and activities. Some of these scientists have called out IARC’s methodology as *completely faulty*. *Reuters* has reported, for example, that “experts from academia, industry and public

health say IARC confuses the public and policymakers.”⁷ Geoffrey Kabat, a cancer epidemiologist at the Albert Einstein College of Medicine, has expressed concern that IARC does the public a “disservice” by focusing on “theoretical exposures which might, under some far-fetched conditions, possibly have an effect.”⁸ One former IARC employee went as far as to admit that IARC’s approach towards cancer determinations sometimes lacks “scientific rigor.”⁹

A high-profile example of IARC’s flawed methodology is its classification of glyphosate.

Glyphosate is a widely used herbicide that is critical to agriculture, land management, and food production worldwide because it can kill weeds and grasses without causing material risks to

human health. In 2015, IARC classified glyphosate as “probably carcinogenic”¹⁰ even though global health and environmental regulators, including the U.S. Environmental Protection Agency (EPA), have deemed it safe for use.¹¹ More recently, the EPA rejected IARC’s classification of atrazine,¹² the second most widely-used herbicide in the United States, as “probably carcinogenic to humans,” finding the classification based on a “deeply flawed approach” that would “unnecessarily stir up fear.”¹³

In another high profile example, the U.S. Food and Drug Administration called out IARC for classifying the sweetener aspartame as

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possibly carcinogenic; the FDA identified “significant shortcomings in the studies on which IARC relied.”¹⁴

IARC has been criticized for failing to address conflicts of interests. It has become clear that some members of IARC working groups have pre-determined viewpoints that certain products should be classified as a carcinogen, regardless of what the real facts show.¹⁵ Of 18 monographs published by IARC between 2012 and 2015, 61 of the 314 scientists who served on these working groups relied on “their own scientific research”¹⁶ as the bases for IARC conclusions. With glyphosate, one advisor was “closely linked to the Environmental Defense Fund, a U.S. political advocacy group opposed to pesticides.”¹⁷

Despite these scientific and ethical shortcomings, IARC studies have served as the foundation for mass tort litigation. As the *National Law Review* reported, “IARC’s findings with respect to carcinogenicity are oftentimes very influential on the course of litigation in the United States.”¹⁸ For example, IARC’s findings and logo have featured prominently in ads for lawsuits against manufacturers not only glyphosate,¹⁹ but also the heartburn drug Zantac,²⁰ chemicals called PFAS,²¹ and the artificial sweetener aspartame.²² Years ago, IARC’s designation of acrylamide, a compound naturally formed during cooking or food processing at high temperatures, as “probably carcinogenic” led to a decade of litigation over whether businesses that roast coffee beans or make French fries should be liable for not warning people that these foods posed cancer risks.²³

The Ramazzini Institute in Italy is another quasi-academic vector for “junk science.” It “conducts animal testing to evaluate the potential cancer-causing effects of chemicals.”²⁴ Its members are reportedly “mostly American occupational health activist scientists who meet once a year in Italy to network and exchange projects and opportunities.”²⁵ The Ramazzini Institute

often collaborates with IARC on studies used in mass tort litigation,²⁶ with “many” Ramazzini Institute Fellows serving as experts on IARC studies.²⁷ The controversial IARC glyphosate study, for example, included five Ramazzini Fellows.²⁸

As with IARC, the Ramazzini Institute’s studies are routinely rejected by mainstream regulatory bodies and scientists, with studies on cell phones, sucralose and aspartame sweeteners, and glyphosate among those that have been highly criticized.²⁹ Ramazzini Institute studies are not just used as justification to file mass tort lawsuits;³⁰ its fellows also “work regularly as litigation consultants and paid expert witnesses with US tort law firms.”³¹ This side hustle as “experts” in mass tort litigation reportedly has earned these fellows millions of dollars.³²

MASS TORT LITIGATION LABS

Two testing laboratories that reportedly work hand-in-glove with the plaintiffs’ bar to generate faux causation theories for personal injury mass tort litigation are Valisure and Emery Pharma.

Valisure is based in Connecticut and regularly tests over-the-counter drugs and common consumer products to see if it can find potentially harmful chemicals in them.³³ Valisure has been exposed for using highly faulty methodology. Yet, this lab has sparked mass tort litigation, class actions, and product recalls, including those targeting the heartburn medication Zantac and sunscreens.³⁴

In 2019, Valisure filed a citizen petition with the FDA based on its study³⁵—which was later retracted³⁶—that Zantac (ranitidine), when processed in the human body, can form a human carcinogen referred to as NDMA. The Director of the FDA’s Division of Complex Drug Analysis criticized Valisure for not using proper scientific techniques in its study.³⁷ And, the Senior Director of Chemical Medicines at U.S. Pharmacopeia (USP), an independent

“The best starting point [for what led to mass tort litigation over whether ranitidine causes cancer] involves a private company known as Valisure.” By heating the ranitidine to 266 degrees (well above conditions in the human body) and adding a concentration of salt that itself would be deadly—Valisure “created the very substance for which it was testing.”

-U.S District Court Judge Robin L. Rosenberg

scientific nonprofit organization, noted “the method Valisure used ‘may not have been appropriate’ for NMDA.³⁸

A federal court found that “[t]he best starting point [for what led to thousands of lawsuits alleging ranitidine causes cancer] involves a private company known as Valisure.” By heating the ranitidine to 266 degrees (well above conditions in the human body) and adding a concentration of salt that itself would be deadly—Valisure “created the very substance for which it was testing,” which the lab reported to the FDA.³⁹

Further, although Valisure holds itself out as an independent testing laboratory,⁴⁰ emails unearthed in litigation over Zantac reveal that the lab receives funding from and collaborates with plaintiffs’ lawyers.⁴¹ Specifically, emails show that Valisure coordinated its testing on ranitidine and its petition seeking a recall of the medication with Gregory Frank, a prominent plaintiffs’ lawyer.⁴² Yitzhak Levin, the brother-in-law of Valisure’s CEO David Light, filed lawsuits relying upon Valisure research on the day Valisure filed its petition.⁴³ While early mass tort litigation targeting the medication “relied heavily upon Valisure’s science,” after the FDA questioned the validity of the lab’s results, plaintiffs’ lawyers were forced to seek other support to continue the litigation, which was ultimately thrown out by both federal and state courts as lacking a reliable scientific basis.⁴⁴

In another noteworthy example, Valisure published a study claiming rapid-release acetaminophen gel caps dissolve slower than

regular acetaminophen gel caps.⁴⁵ Plaintiffs’ lawyers filed a class action against a manufacturer of acetaminophen gel caps *the same day* the study was published, citing the Valisure results.⁴⁶ Far from being an independent study, court filings showed the plaintiffs’ attorney who filed the lawsuit hired Valisure as a consultant before the study was published.⁴⁷ Valisure apparently discussed the study with the lawyers *for months*.⁴⁸

Valisure’s testing of sunscreens for benzene has also come under scrutiny, with a chemistry professor noting that the level of exposure cited in Valisure’s study was less than breathing city air for a day, and a science educator with an understanding of toxicology characterizing Valisure’s approach as “nonsensical,” *The Washington Post* reported.⁴⁹

Emery Pharma, a California-based testing laboratory,⁵⁰ has also been “responsible for significant litigation over dry shampoo, deodorant, and sunscreen allegedly containing benzene and other chemicals.”⁵¹ Emery Pharma also has significant ties to the plaintiffs’ bar, with the laboratory promoting that it can design investigations to support product liability litigation in cases ranging from pharmaceuticals to consumer products and that, after completing a study, its scientists can serve as expert witnesses to support a claim.⁵²

Like Valisure, Emery Pharma asserted that its testing found the cancer-causing chemical NDMA in Zantac.⁵³ It was later revealed that Emery Pharma was paid \$2.2 million by the

lawyers who filed the Zantac lawsuits.⁵⁴ Information discovered during litigation showed Emery Pharma only found “dangerous levels” of the cancer-causing chemical in the drug after being retained.⁵⁵

In 2022, a federal judge ruled that the methodology used by Emery Pharma, which was the foundation for its Citizen Petition and expert testimony relying on its results, was flawed, unreliable, and inadmissible.⁵⁶ The lab used a novel approach. Its methods were not peer reviewed, published, or shown to have gained general acceptance in the scientific community, and could have caused NDMA to form.⁵⁷

Finally, the public should be skeptical of websites and blogs that declare certain products are “safe” or “unsafe” or contain or do not contain certain chemicals. For example, “Mamavation” has conducted “investigations” into a wide range of products including paper towels, teas, vitamins, bandages, pastas, cooking oils, air fryers, razors, shaving creams, dental floss, makeup, and lip balms.⁵⁸ Mamavation does not itself test products; it sends them to an undisclosed lab. The site tests products mostly for the presence of PFAS “forever chemicals,” but also other substances. The site then posts its findings, conveniently providing affiliate links for which it will receive a commission. Posts are “medically reviewed,” amplified by *Environmental Health News*, which has a partnership with, and donates to, the site, and spread through social media and even mainstream sources.⁵⁹

Scientists observe that Mamavation’s testing has several flaws. Its testing relies on organic fluorine levels, which is a general indicator of the likely presence of PFAS, rather than specific chemicals that can be harmful. The tests also do not consider a person’s actual exposure from the product, i.e. the dose. For example, there’s no scientific evidence indicating that PFAS in a band-aid would penetrate the skin and be absorbed into the bloodstream. Scientists also question whether

“The public should be skeptical of websites and blogs that declare certain products are ‘safe’ or ‘unsafe’ or contain or do not contain certain chemicals.”

the samples are properly handled to not be contaminated before testing and whether an adequate number of samples are tested to obtain reliable results.⁶⁰

These types of quasi-scientific claims may not only lead to needless public concern, but may also spark litigation.

AGENDA-DRIVEN NONPROFIT ENTITIES

There is also a network of agenda-driven nonprofits that produce junk science used in mass tort litigation. One well-known group is the Heartland Health Research Alliance, a nonprofit group funded by both the organic food industry and the plaintiffs’ bar.⁶¹ The most prominent work done by the nonprofit involves glyphosate, which, as discussed earlier, is the subject of mass tort litigation sparked by junk science.⁶² Further, despite claiming to be an independent organization, the founding vice chair of the group, Robin Greenwald, is a partner at Weitz & Luxenberg, one of the law firms suing Monsanto (now Bayer) over glyphosate.⁶³

The former Executive Director of the Heartland Health Research Alliance, Charles Benbrook, doubles as a pesticide litigation consultant.⁶⁴ Benbrook, despite having no training in medicine, chemistry, or epidemiology,⁶⁵ has received over one million dollars for his work as an expert witness for plaintiffs’ lawyers in glyphosate litigation.⁶⁶ He was also previously the subject of controversy while a professor at Washington State University, where his contract was terminated after revelations his research was funded by the organic industry,⁶⁷ who also paid for his

trips to Washington D.C. to lobby on its behalf.⁶⁸

Another such organization is the Environmental Working Group (EWG). Critics say the organization is funded by the organics industry.⁶⁹ EWG does not completely deny that accusation, admitting that it receives financial support from organic food and cosmetic companies, but contending that money does not influence its research, programming, or scoring of products.⁷⁰ In any event, EWG studies have been used to push mass tort and class action lawsuits on PFAS,⁷¹ litigations alleging glyphosate contamination in cereal and other foods⁷² and claims of asbestos contamination in talcum powder.⁷³

EWG has been criticized for basing its findings on exposure levels that are far lower than any

other regulatory agency,⁷⁴ releasing studies that have “reporting deficiencies and deviations from a peer-reviewed scientific process,”⁷⁵ and “cherry-picking the safety studies,” leading to inflated claims.⁷⁶

PURVEYORS OF JUNK SCIENCE

Once studies based on junk science are created, the next step is to gain false credibility for them by laundering the studies through scientific journals and building a sustained campaign leveraging an echo-chamber of outside groups and individuals. This section analyzes the ecosystem designed to promote junk science.

THE JOURNALS

A crisis in confidence in scientific journals has emerged in recent years, with junk studies flooding into supposedly scientific journals, leading to the retraction of thousands of studies in the last two years.⁷⁷ Research journals retracted over 10,000 studies in 2023 alone—the most retractions ever in a given year.⁷⁸ One publisher, Wiley, which publishes more than 2,000 scientific journals, retracted more than 11,300 papers in a two-year period.⁷⁹ Two publishers other than Wiley had to retract “hundreds of suspect papers each” over the same time span.⁸⁰ Another publisher, IOP Publishing, found “nearly 900 fraudulent papers in 2022” in their publications.⁸¹

The proliferation of internet-only, “open-access” (also known as pay-to-play) scientific journals poses a particular risk of advancing junk science. According to a 2017 paper in the *Rhode Island Medical Journal*, at least one-quarter of all open-access scientific journals exist “only to make money by charging authors high processing fees.”⁸² Or, as *Contexts* so succinctly put it, these pay-to-play journals are “predatory” with a “central purpose... to generate revenue rather than disseminate knowledge.”⁸³ An article in the *Rhode Island Medical Journal* further noted that these “sham journals” often lack any clear peer review process, with as many as 80% to 90% of all submitted manuscripts being accepted within days without any editorial comment.⁸⁴

The Guardian has reported that publication of “sham science” in scientific journals is not a victimless crime, with medical research “compromised” in the process.⁸⁵ One example

of the “harm done by publishing poor or fabricated research is demonstrated by the anti-parasite drug ivermectin,” where early studies suggested it could be used to treat Covid-19.⁸⁶ Later analysis showed the studies had “clear evidence of fraud” and was part of the wave of junk science plaguing scientific journals.⁸⁷

An analysis of IARC and Ramazzini Institute findings show they are “published or echoed most often” in *Environmental Health* and *Environmental Sciences Europe*, both of which are so-called pay-to-play journals.⁸⁸ These publications also “often run articles by researchers with undisclosed conflicts of interest.”⁸⁹ Further, the *Environmental Sciences Europe* has run articles without requiring peer review.⁹⁰

THE ORGANIZATIONS

Once a journal publishes a junk study, agenda-driven nonprofits often step in to promote the findings and gin up media coverage. News articles quote top staffers in the organizations about the study's findings, which pushes these studies into the public consciousness. These groups have been quoted in outlets such as the *New York Times*,⁹¹ the *Wall Street Journal*,⁹² and the *Washington Post*,⁹³ among others.

Two of the most prominent groups on this front are the Organic Consumers Association and the Environmental Working Group.⁹⁴ Both organizations feature savvy, forward-facing public relations machines that are designed to drive press, with the Environmental Working Group putting its public relations work as the number one tenet on how it measures its impact.⁹⁵

It doesn't matter how savvy the public relations minds behind the Environmental Working Group and Organic Consumers Association are if the articles aren't written, so why does the media quote these groups without a deeper look into their methodology? Because, as the *Washington Post's* Robert Gebelhoff observes, "science and health media writers are constantly in need of new, sexy studies."⁹⁶ Gebelhoff further notes that "media agents for research institutions have become adept at turning complicated scientific jargon into compelling press releases — usually at the expense of accuracy."⁹⁷ Jo Khan, formerly of the Australian Broadcasting Corporation, also observed that "the news media's need for attention-grabbing headlines often trumps careful consideration of the evidence," with an IARC spokesperson putting it more succinctly: "sensationalism sells."⁹⁸

THE "EXPERTS"

The final step in the playbook is turning junk studies into expert evidence in litigation. For this, the plaintiffs' bar relies on a network of highly paid witnesses who are skilled at providing simple, charismatic ways to present the dubious causation theories to judges and juries.

Plaintiffs' lawyers often retain experts who are willing, for a fee, to offer an opinion linking a product to a medical condition, even if that opinion is contrary to science. Judges that take their gatekeeping roles seriously exclude such testimony.

One of the most prominent expert witnesses in mass tort litigation was Dr. David Egilman, a professor who testified in more than 600 cases and earned more than \$5 million as of 2019.⁹⁹ Dr. Egilman, who taught one class a year at Brown University in Providence, Rhode Island,¹⁰⁰ died in April 2024.¹⁰¹ Early on,

Dr. Egilman was sued for alleged "medical negligence" for examining and diagnosing employees of the Dayton-Walther Corporation for the sole purpose of the workers filing claims against the company.¹⁰² In 2001, a Colorado court struck Dr. Egilman's testimony in a toxic tort case, which it found was "motivated by his personal agenda" and "neither objective nor reliable."¹⁰³ That court also sanctioned Dr. Egilman for "flagrantly" violating a protective order by sharing his views on the case and other expert witnesses on his website.¹⁰⁴

In another episode, Dr. Egilman agreed to pay a defendant \$100,000 after he selectively leaked confidential documents that he obtained while retained as a consultant by a plaintiffs' law firm in lawsuits questioning the safety of Zyprexa after the confidential documents ended up in the hands of the *New York Times*.¹⁰⁵ More recently, a federal court deemed Dr. Egilman's expert testimony inadmissible in litigation alleging that a consumer's exposure to the butter-flavoring chemical diacetyl caused their health problems because he had "manipulate[d] the data from [published] studies to reach misleading conclusions of his own."¹⁰⁶

Another example of scientists working with plaintiffs' law firms and advocacy groups in support of mass tort litigation is Christopher Portier. Dr. Portier received at least \$160,000 from plaintiffs' lawyers claiming glyphosate exposure causes cancer.¹⁰⁷ He contributed to IARC's assessment of glyphosate¹⁰⁸—working with its working group as an "invited specialist"—despite receiving consulting fees from the Environmental Defense Fund, an agenda-driven nonprofit opposed to glyphosate.¹⁰⁹ Following Dr. Portier's arrival at IARC, the organization's glyphosate study was altered in at least ten significant ways to remove or reverse conclusions finding no

"Science and health media writers are constantly in need of new, sexy studies."

-Robert Gebelhoff, *The Washington Post*

evidence of carcinogenicity.¹¹⁰ After its release, Dr. Portier went on a self-described “counteroffensive policy” to undermine scientists who did not agree with IARC’s classification of glyphosate as a “probable” carcinogen.¹¹¹ As discussed earlier, the IARC monograph has been key to generating thousands of glyphosate lawsuits.

Dr. Martin Wells, a professor at Cornell University with a specialty in epidemiology and statistics, also has had his testimony excluded in the courts on

several occasions. In 2024, his testimony was the foundation for thousands of mass tort litigation linking the herbicide paraquat to Parkinson’s disease. A federal court found Dr. Wells engaged in the “very definition of unscientific cherry-picking” when he relied on scientific studies supporting causation while disregarding conflicting evidence from his analysis.¹¹² The court also found “perplexing” that “Dr. Wells is alone in the scientific community [in

finding paraquat exposure causes Parkinson’s disease], notwithstanding decades of scientific inquiry into this exact issue.”¹¹³ On another occasion, a federal court excluded Dr. Wells’ expert testimony because his analysis of studies examining whether drugs used to treat type 2 diabetes cause pancreatic cancer consisted of “a cherry-picked selection of favorable data.”¹¹⁴ The court concluded that his analysis was “unduly results-driven, not good science, and therefore inadmissible.”¹¹⁵

Dr. April Zambelli-Weiner is an epidemiologist who serves as CEO of Translational Technology International (TTI),¹¹⁶ a clinical and epidemiologic research and consulting firm. She co-authored the study that was “arguably . . . the most critical single piece” of evidence in litigation claiming that the anti-nausea drug Zofran causes birth defects.¹¹⁷ In an attempt to avoid a deposition in the subsequent Zofran litigation, she submitted an affidavit with several falsehoods.¹¹⁸ First, she characterized herself as a research scientist, hiding that she

was a paid consulting expert for plaintiffs’ counsel.¹¹⁹ Second, she swore she had “no direct factual information” on the litigation when she was working alongside the plaintiffs’ counsel.¹²⁰ And third, she indicated that plaintiffs’ counsel had not paid her for other work when her company received more than \$200,000 for the Zofran study.¹²¹

When these misrepresentations became known, Dr. Zambelli-Weiner’s counsel withdrew his appearance, alerting the court.¹²² The court

then ordered Dr. Zambelli-Weiner to produce documents related to the nature of her relationship with plaintiffs’ counsel, which “go directly to the credibility of Dr. Zambelli-Weiner and the reliability of her study results.”¹²³ Ultimately, the court dismissed the Zofran lawsuits, finding “no doubt” the FDA would have rejected the warnings sought by the plaintiffs as not scientifically supported.¹²⁴

“It is troublesome, to say the least, for a party to engage a consulting, non-testifying expert; pay for that individual to conduct and publish a study, or otherwise affect or influence the study; engage a testifying expert who relies upon the study; and then cloak the details of the arrangement with the confidentiality protections of Rule 26(b) in order to conceal it from a party opponent and the Court.”

-U.S District Court F. Dennis Saylor in the Zofran litigation

A final example is a study relied upon in litigation alleging that traces of asbestos in baby powder caused mesothelioma.¹²⁵ Dr. Theresa Emory, a pathologist at Peninsula Pathology Associates, co-authored a 2020 article with two other experts, Dr. John Maddox, also at Peninsula, and Dr. Richard Kradin, a pulmonologist and pathologist. In the study, the authors represented that 75 anonymous individuals developed mesothelioma and their only potential exposure to asbestos came from cosmetic talc.¹²⁶ A talc defendant, American International Industries, however, claimed it had “discovered reasons to believe that many of the individuals in the article were, in reality, exposed to non-talc sources of asbestos.”¹²⁷ It attempted to investigate the validity of the study by seeking the names of the subjects from Peninsula Pathology Associates. The organization refused to disclose the information, claiming “confidentiality,” and a magistrate judge quashed the subpoena.¹²⁸ In June 2025, the Fourth Circuit dismissed an appeal of that order as moot after the plaintiff voluntarily dismissed the underlying case with prejudice.¹²⁹

Meanwhile, a bankrupt Johnson & Johnson talc subsidiary sued the authors, alleging that all of the individuals included in the study are plaintiffs in asbestos litigation where at least one of the authors served as an expert witness.¹³⁰ The complaint included evidence indicating that at least six of them had other known exposures to asbestos.¹³¹ The complaint, filed in federal court in Virginia, alleges that the study’s authors knew or ignored that their study included, for example, someone who had asbestos pipes in the basement of his house and another whose parents both worked with asbestos that may have come home on their clothes.¹³² Each of the study’s authors, the lawsuit claims, devotes significant time to consulting on asbestos litigation, always for plaintiffs’ counsel, and have made “small fortunes” from this work.¹³³ The complaint also

alleges that the authors of the study knowingly misled the public about the safety of cosmetic talc products to advance their goal of manufacturing “a body of literature” that could be presented to judges and juries to fill a gap in scientific evidence of causation.¹³⁴

In February 2025, the district court found that while the complaint’s fraud claim was barred by the statute of limitations and the company lacked standing to bring a false advertising claim, its trade libel claim could proceed.¹³⁵ The company then filed a motion to compel disclosure of the identities of the article’s subjects.¹³⁶ The court granted the motion this summer, finding the company was entitled to the names and ordering the parties to develop a protective order to ensure that any medical information or other personally identifiable information is not publicly disclosed.¹³⁷

That litigation is ongoing, as is a similar lawsuit against Dr. Jacqueline Moline, the author of an earlier study that served as the foundation for the Emory study and allegedly included some of the same participants.¹³⁸

EMERGING AREAS OF CONCERN

Recently, ATRA has observed three areas that follow the same junk science playbook: when science does not support a causation theory, create litigation-driven science to fill the gap, then leverage that science in court and in the press.

ACETAMINOPHEN

Beginning in 2022, plaintiffs' lawyers suddenly began to file lawsuits claiming manufacturers should have warned that use of acetaminophen products (such as Tylenol) during pregnancy could cause children to develop attention deficit hyperactivity disorder ("ADHD") and autism spectrum disorder ("ASD"). No medical organization or regulatory body had reached this conclusion. Independent, scientific data shows no proven link between taking acetaminophen and autism. Groups including the American College of Obstetricians and Gynecologists¹³⁹ and the Autism Science Foundation¹⁴⁰ continue to say that acetaminophen is safe.

In December 2023, Judge Denise Cote of the U.S. District Court for the Southern District of New York found that the plaintiffs' experts in a multidistrict litigation "failed to show that their methodology" for concluding that in utero exposure to acetaminophen "is generally accepted by the scientific community."¹⁴¹ Rather, the court found that "their analyses have not served to enlighten but to obfuscate the weakness of the evidence on which they purport to rely and the contradictions in the research."¹⁴² Judge Cote observed that, for years, scientists and medical associations around the world have diligently studied ADHD and ASD and not concluded that acetaminophen is a cause.¹⁴³ Yet, the plaintiffs' experts had relied on methods that were not peer-reviewed and not tested. She concluded that "the unstructured approach adopted by the plaintiffs' experts permitted cherry-picking, allowed a results-driven analysis, and obscured the complexities, inconsistencies, and

weaknesses in the underlying data."¹⁴⁴ The court excluded the testimony of all five of the plaintiffs' experts, finding their work unreliable.

"The unstructured approach adopted by the plaintiffs' experts permitted cherry-picking, allowed a results-driven analysis, and obscured the complexities, inconsistencies, and weaknesses in the underlying data."

-U.S. District Court Judge Denise Cote

Plaintiffs' lawyers then tried again, relying on another expert, Dr. Roberta Ness.¹⁴⁵ Dr. Ness has impressive credentials as an epidemiologist, but little familiarity with ADHD and was unable to answer basic questions in federal court about the condition.¹⁴⁶ In fact, Dr. Ness, who had earlier served as a plaintiffs' expert in lawsuits claiming baby powder causes ovarian cancer, first became familiar with the issue after she was approached by the plaintiffs' lead counsel in the acetaminophen litigation.¹⁴⁷ What she developed was, in the words of the court, a "result-driven analysis" that "repeatedly cherry picks isolated findings in studies, ignores those that are unsupportive of her ultimate opinion, and highlights statistically insignificant results while ignoring statistically significant results."¹⁴⁸ The court excluded her testimony in July 2024.

Fast forward to September 2025. While the U.S. Court of Appeals for the Second Circuit considered an appeal, Health and Human

Services Secretary Robert F. Kennedy Jr. called a press conference, announcing that they determined the cause of autism — Tylenol. He touted a new study conveniently published just in time for the appellate briefing, known as the Mt. Sinai study.¹⁴⁹ Two of the coauthors of that paper are plaintiffs’ experts in the acetaminophen mass tort litigation. And the paper itself resembles an expert report that Judge Cote excluded as a “conclusory opinion” that “does not adequately address the many conflicting study results.”¹⁵⁰

ATRA has repeatedly flagged RFK Jr.’s deep ties to the trial bar,¹⁵¹ which are likely to guide his leadership and policymaking.¹⁵² ATRA suspects this study is a desperate attempt to boost the personal injury lawyers who had limited success advancing their made-for-litigation junk science in the courtroom.

Dr. Didier Prada led the Mount Sinai study which was co-authored by several regulars from the plaintiffs’ expert bench, including Harvard University’s Andrea Baccarelli. While plaintiffs and federal agencies point to the study as new evidence, it suffers the same flaws Judge Cote identified in the multidistrict litigation, like Baccarelli’s “navigation guide” methodology, which was rejected by the courts as cherry-picked and unreliable.

The study’s other two authors are Ann Z. Bauer, a consultant for plaintiffs’ lawyers¹⁵³ who has vocally promoted her theories on social media throughout the litigation,¹⁵⁴ and Beate Ritz, who served as a plaintiffs’ expert for lawsuits related to Paraquat, baby food and Roundup.¹⁵⁵ The law firm she worked with on Roundup litigation, Wisner Baum, also employs RFK Jr.’s son, Conor Kennedy, who also works on Zantac litigation.¹⁵⁶

Notably, the Mount Sinai paper initially claimed causation between Tylenol use in pregnancy and autism, but amid peer review, softened claims instead to “association.”¹⁵⁷ While offering no new science, this litigation theory woven into academia has, however, successfully armed plaintiffs’ lawyers with a “fresh” citation for their latest arguments.¹⁵⁸

VACCINE SAFETY

Not only is Health and Human Services Secretary Robert F. Kennedy Jr. a veteran trial lawyer, he is also known for anti-vaccination views that run counter to the overwhelming consensus of the scientific community. He has embraced theories that childhood vaccinations cause autism and other health conditions. His pronouncements and actions may not only threaten public health, they appear strategically designed to empower his friends in the trial bar to bring more lawsuits.

Secretary Kennedy is an outspoken critic of the National Vaccine Injury Compensation Program (VICP), which he has vowed to “fix.”¹⁵⁹ Since 1986, individuals who believe they have been harmed by a vaccine can receive compensation through that program for scientifically established side effects. This system, which is supported by a per-dose excise tax on vaccine manufacturers,¹⁶⁰ requires individuals who believe they were injured by a vaccine to file a claim with the VICP before filing a lawsuit. The program covers all vaccines recommended by the CDC for routine administration to children and pregnant women. Congress put this system in place to fairly compensate those who experience injuries and protect access to affordable life-saving vaccines that can be jeopardized by mass tort litigation. The VICP has successfully

“I think that [RFK Jr.’s] goal ultimately is to shake up the Vaccine Injury Compensation Program so he can continue to make himself and his personal injury lawyer friends richer.”

- Dr. Paul Offit, an infectious diseases physician at Children’s Hospital of Philadelphia

provided more than \$5.5 billion in compensation since Ronald Reagan signed it into law.¹⁶¹

The vaccine “science” coming from RFK Jr. and others aligned with him must be scrutinized through this lens. Recent abrupt changes to reduce the recommended childhood vaccines,¹⁶² for example, could be a step toward removing vaccines from the VICP, which would subject those vaccines to litigation. As Dr. Paul Offit, an infectious diseases physician at Children’s Hospital of Philadelphia, cautioned, “I think that his goal ultimately is to shake up the Vaccine Injury Compensation Program so he can continue to make himself and his personal injury lawyer friends richer.”¹⁶³

Linking vaccines to autism could also be an “underhanded way” to eliminate the liability protections that Congress has provided to vaccine manufacturers.¹⁶⁴ If autism is added to the recognized conditions tied to vaccines despite a lack of scientific support, payments from the VICP would likely skyrocket, potentially bankrupting the program.¹⁶⁵ Should the program fold, claims would go to the unpredictable tort system, which benefits lawyers, not the public.

Finally, the vaccine skepticism of RFK Jr. and others has fueled efforts by some state lawmakers to enact new private rights of action to sue vaccine manufacturers. These proposals would impose strict liability on a manufacturer that advertises a vaccine in the state for vaccine side effects. Individuals could theoretically sue outside the VICP system and collect not only actual damages, but also their attorneys’ fees. Texas became the first state to enact such a law in 2025.¹⁶⁶ Thus far, legislators have introduced copycat bills in Florida and Oklahoma in the 2026 session.¹⁶⁷ These state laws are likely to be preempted by the federal Vaccine Act and violate the First Amendment right to truthfully advertise products, but they are yet to be tested in court.

CLIMATE CHANGE “ATTRIBUTION SCIENCE”

Over the past few years, academics and others have published studies seeking to tie companies’ products and services to specific weather events they assert were made more destructive because of climate change. Some of these climate-change studies, which are often referred to as “attribution science” or “extreme-event attribution,” may be nothing more than reverse-engineered efforts to justify liability against energy companies—not real science.

For example, one Oxford climate expert has acknowledged that she talks “a lot with lawyers” about how attribution science could be used as a litigation tool.¹⁶⁸ “Unlike every other branch of climate science or science in general, event attribution was actually originally suggested with the courts in mind,” she candidly acknowledged.¹⁶⁹ “The attribution research can be used by the plaintiffs to really flesh out that causal chain, all the way from the fossil fuel industry’s contributions to climate change to specific injuries that they are now dealing with, such as the effects of sea-level rise on coastal communities and infrastructure,” a senior fellow at Columbia Law School’s Sabin Center for Climate Change Law observed.¹⁷⁰

These studies may be an attempt to bolster novel public nuisance and other claims brought by state and local governments, often through private contingency-fee lawyers, against energy companies. Thus far, that litigation has not been successful, but remains active.

Courts that properly scrutinize expert testimony should find that attribution science does not meet the standard for admissibility.¹⁷¹ A troubling recent development, however, is that a discussion of given credence to attribution science was added into the latest edition of a scientific evidence reference manual published by the Federal Judicial Center and the National Academies of Science on New Year’s Eve.¹⁷² This edition includes a “Reference Guide on Climate Science” that expressly cites to and adopts litigation-aligned

methodologies promoted by the Sabin Center and allied academics who routinely serve as plaintiffs' experts in climate liability cases.¹⁷³ Rather than offer judges an objective understanding of science, the manual refers to "well-established attribution techniques,"¹⁷⁴ placing a thumb on the scale in favor of plaintiffs on a central, disputed issue in ongoing high-stakes litigation.¹⁷⁵

Publicly available materials from the National Academies' workshop developing the Fourth Edition show that the drafters explicitly discussed how to make the climate chapter "credible" to judges who are skeptical of climate litigation claims.¹⁷⁶ Panel responses to questions about attribution feasibility came from individuals actively involved as plaintiff experts. In other words, the drafting process itself appears designed to persuade judges, not simply inform them. The dissemination of this material to federal judges risks normalizing contested plaintiff theories as "reference science," undermining judicial gatekeeping and shifting judicial baselines before a defendant ever appears in court.

"Attribution science' has made its way into legislation would create new private rights of action for private citizens to sue fossil fuel companies for property damage or other injuries from natural disasters and extreme weather events."

Plaintiffs' lawyers and activists, scuttled by their lack of success in court, are also looking to state legislatures to give them an assist. "Attribution science" has made its way into legislation that would create new private rights of action for private citizens to sue fossil fuel companies for property damage or other injuries from natural disasters and extreme weather events.¹⁷⁷ Attribution science is also a feature of so-called "Climate Superfund" legislation, which seeks to extract billions of dollars from fossil fuel companies to fund state climate change adaptation projects through government "cost recovery demands."¹⁷⁸

SOLUTIONS

We all have a responsibility – from judges to journalists – to shun junk science developed to fuel litigation that misleads the public. Steps should be taken to expose it, keep it out of our nation’s courts, and reduce its prevalence.

JUDICIAL GATEKEEPING

It is critical that judges live up to their responsibility to scrutinize expert testimony to ensure lawsuits are grounded in real science. In the federal courts, Federal Rule of Evidence 702 *requires* courts to look beyond an expert’s credentials to examine whether that proposed testimony is based on sufficient facts or data, is a product of reliable methods, and reflects a reliable application of scientific principles to the facts of the case. A critical part of that inquiry is determining whether an expert’s theory has been tested, subjected to peer review and publication, evaluated for potential rates of error, and accepted in the scientific community.¹⁷⁹ Studies developed for litigation, rather than for scientific or other purposes, are inherently suspect.¹⁸⁰

In 2023, the federal judiciary amended Rule 702 in response to cases in which judges did not properly apply it to require those seeking to introduce expert testimony to demonstrate that the testimony is based on reliable scientific principles and methods.¹⁸¹ These changes emphasize that the burden is on the party offering the testimony to show that their expert’s opinions are more likely than not reliable and that judges—not juries—must determine whether the testimony meets these reliability standards.¹⁸² If the expert testimony is not more likely than not to meet the standards of reliability set by the rule, it is inadmissible. Courts must do this analysis for each opinion the expert offers, ensuring that the expert’s points “stay within the bounds of what can be concluded from a reliable application of the expert’s basis and methodology.”¹⁸³ “Judicial gatekeeping is essential.”¹⁸⁴

Following the 2023 amendments, courts have observed that:

- The “2023 amendments to Rule 702 make clear that reliability, both in theory and application, is the hallmark of admissible expert testimony.”¹⁸⁵
- Under the amended rule, “[c]ourts must probe more deeply and require proponents to demonstrate by a preponderance of the evidence that their opinions are reliable.”¹⁸⁶
- The 2023 amendments “not only guide courts in the future, but outline a consistent and concerning misapplication of Rule 702 by federal courts in the *past*.”¹⁸⁷ Defendants must be allowed to “identify any incorrect application” of Rule 702, which courts must revisit in light of judiciary’s 2023 clarifications.¹⁸⁸
- When a plaintiffs’ expert’s “causation theory has not been adopted or independently validated in *any* peer-reviewed scientific analysis outside of this litigation” there is an “evidentiary red flag” that undermines the opinion’s reliability.¹⁸⁹

Several states have already adopted the federal Rule 702 reforms,¹⁹⁰ and more states should do so. Last year, the Delaware Supreme Court confirmed that “Delaware’s evidentiary rules governing expert testimony are consistent with federal law.”¹⁹¹ In so doing, the state high court fully embraced the 2023 amendments to Federal Rule of Evidence 702 and rejected an attempt by mass tort lawyers to pursue junk science cases in state court that had already been thrown out of federal court.¹⁹²

In addition, judges should more frequently take advantage of Rule 706, which permits them to appoint an impartial panel of experts or a technical advisor as a resource. Science advisory panel considerations may assist a judge in better understanding technical issues.¹⁹³ Some courts also hold “science day” hearings so they can get an opportunity to gain a greater scientific foundation before trial.¹⁹⁴

Federal and state judiciaries should also require studies that are directly or indirectly funded by law firms or done primarily for litigation purposes to disclose that information and indicate whether the article was subject to peer review. Making this information available would allow courts and other consumers of these studies to view the studies’ conclusions through the appropriate lens and with the proper context.

DEFUND JUNK SCIENCE

Policymakers should reexamine their relationship with the organizations discussed in this report, particularly IARC. IARC’s repeated mischaracterizations of everyday products and activities as “possibly” or “probably” carcinogenic creates unnecessary concerns, spurs ridiculous warning labels, and fuels litigation that may result in the loss of products that are highly beneficial and considered safe by the rest of the world.

IARC receives most of its funding from United Nations participating member states, with the United States making among the largest contributions in 2024 and 2025.¹⁹⁵ While the Trump Administration withdrew from the World Health Organization in January 2025,¹⁹⁶ the United States appears to continue to support IARC, which has a distinct governance and funding structure.¹⁹⁷ The United States, at the very least, should use its influence to push for conflict of interest safeguards and greater transparency in the decision making of IARC’s working groups.

JOURNALISTIC SCRUTINY

The adage about not believing everything you see on the internet applies equally to scientific journals: “just because it’s published, doesn’t make it true.” Too many journals prioritize internet clicks, eyeballs and money over science, leading to dangerous misconceptions about the proper level of risk associated with certain products and activities. Tabloid-style headlines alleging everything from cell phones to sweeteners cause cancer receives page views and breathless coverage, but these findings often run counter to established, peer-reviewed science that reaches the opposite conclusion. They need to be properly scrutinized, as the *Wall Street Journal* did with the Valisure allegations discussed above.

One path for journalists is to file Freedom of Information Act requests (or their equivalent) with government agencies reporting the allegations so that they can understand, scrutinize and expose junk science and conflicts of interest when they exist. For example, it was learned that the Environmental Protection Agency’s ban of chrysotile asbestos involved the one-sided inclusion of paid experts for asbestos plaintiffs’ law firms on key reviewer committees for the EPA’s Draft Risk Evaluation for Asbestos.¹⁹⁸ Similarly, Health Canada, an outlier among regulatory bodies and public health agencies in finding talc is a possible cause of ovarian cancer, relied on paid plaintiffs’ expert reports in U.S. litigation in deriving its talc Screening Assessment.¹⁹⁹

SCIENTIFIC JOURNAL INTEGRITY

When a study has been debunked in litigation, scientific journals should protect their integrity by setting the record straight. They should retract the article or at least publish a subsequent article exposing the study’s flaws and potential conflicts of interest. For example, a pillar of the 1998 study that indicated vaccination could increase children’s risk of developing autism was retracted by the *Lancet*, citing Dr. Tim Wakefield’s “dishonest,” “irresponsible,” and “misleading” conduct as to

the paper's substance and for not disclosing conflicts of interest.²⁰⁰

DEFENDANT SELF HELP

Finally, businesses targeted in mass tort litigation should be more aggressive in combatting junk science. Here are some ways they can fight back.

- *Leverage Discovery:* In the Zofran litigation, the court ordered plaintiffs' experts to produce records on their relationship with plaintiffs' counsel, which, as discussed earlier, included an affidavit containing at least three false statements. As discussed earlier, plaintiffs characterized Dr. Zambelli-Weiner as a research scientist and did not reveal that she was a paid consulting expert for plaintiffs. The court found "the need to discover the truth and correct the record surely outweighs any countervailing policy in favor of secrecy, particularly where plaintiffs' testifying experts have relied heavily on Dr. Zambelli-Weiner's study as a basis for their causation opinions."²⁰¹
- *Hold Lawyers Accountable:* Model Rule of Professional Conduct 3.3 states: "A lawyer shall not knowingly ... make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." The comments to Rule 3.3 suggest lawyers have a duty to "refuse to offer evidence that the lawyer knows to be false" and protect the integrity of the courts by "not allow[ing] the tribunal to be misled by false statements of law or fact or evidence." This ethics rule could be invoked when it can be shown that lawyers were complicit in generating or funding junk science used in litigation.
- *Hold Scientists Accountable:* Some businesses have brought legal actions against those who make false representations in their studies, fueling litigation and disparaging their products. For example, as discussed earlier (see page 11), defendants in mass tort litigation alleging that talc caused mesothelioma are pursuing lawsuits against individuals who authored studies representing that the patients who participated had no exposure to asbestos other than through talc products. The lawsuits filed against the studies' authors, who serve as consultants for plaintiffs' counsel in asbestos litigation, allege that they knew that some of the studies' subjects were exposed to asbestos in other ways, but disregarded and concealed the truth for years during the litigation.²⁰²
- *Pursue Other Legal Actions:* Companies have pursued racketeering cases against experts, physicians and others who conspire to facilitate fraudulent claims.²⁰³ As discussed in ATRA's recent report, "Sanctionable," the use of civil Racketeer Influenced and Corrupt Organizations Act (RICO) claims in this way emerged in fraudulent asbestos claims²⁰⁴ and an increasingly common tool for responding to sham lawsuits in auto accident cases, slip or trip and fall claims, and beyond.²⁰⁵ Businesses targeted in litigation are also using RICO to respond to complaints in mass tort litigation that they believe falsely blame their products for injuries.²⁰⁶ A RICO lawsuit may be a viable option when evidence indicates that attorneys, scientists, laboratories, and litigation funders created junk science to advance mass tort litigation.

CONCLUSION

Junk science is a central feature of modern mass tort litigation. It distorts public understanding, misleads juries, and threatens access to safe and beneficial products. Combating it requires vigilance from judges, journalists, policymakers, the scientific community, and the public. In the words of U.S. District Court Judge Denise Cote: the reliability of scientific evidence in mass tort litigation has “great public health significance” and can have “profound consequences for families and communities.” As she wisely concluded, “It matters to get this right.”²⁰⁷

ENDNOTES

- ¹ International Agency for Research on Cancer, [About IARC](#) (last visited 8/8/24).
- ² Natalie Huet, *Bad News for the Bad-News Agency*, [Politico](#), 3/17/17.
- ³ Kate Kelland, *How the World Health Organization's Cancer Agency Confuses Consumers*, [Reuters](#), 4/18/16.
- ⁴ *Id.*
- ⁵ *Id.*
- ⁶ International Agency for Research on Cancer, Press Release, [IARC Monographs Evaluate Drinking Coffee, Maté, and Very Hot Beverages](#), June 15, 2016.
- ⁷ Kelland, *supra*.
- ⁸ *Id.*
- ⁹ *Id.*
- ¹⁰ International Agency for Research on Cancer, IARC Monographs Volume 112: [Evaluation of Five Organophosphate Insecticides and Herbicides](#), Mar. 2015.
- ¹¹ *National Ass'n of Wheat Growers v. Bonta*, 85 F.4th 1263, 1270 (9th Cir. 2023) (“[W]hile IARC deems glyphosate ‘probably carcinogenic to humans,’ as the district court observed, ‘apparently all other regulatory and governmental bodies have found the opposite.’”).
- ¹² International Agency for Research on Cancer, IARC Monographs Volume 140: [Atrazine, Alachlor, and Vinclozolin](#), Nov. 2025.
- ¹³ Sophia Samantaroy, *US EPA Dismisses WHO Cancer Agency Determination that Widely Used Herbicide is ‘Probably Carcinogenic’*, [Health Policy Watch](#), 1/5/26 (quoting EPA press office).
- ¹⁴ U.S. Food & Drug Administration, Press Release, [Aspartame and Other Sweeteners in Food](#), 7/14/23.
- ¹⁵ Kelland, *supra*.
- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ John Gardella, *IARC PFAS Findings Will Influence Litigation and EPA Challenges*, [National Law Review](#), 12/4/23.
- ¹⁹ For example, the IARC assessment and World Health Organization logo have featured prominently in television commercials seeking plaintiffs for glyphosate litigation as well as in the litigation itself. *See, e.g.*, Roundup Legal Helpline TV Spot, ‘Roundup Exposure’, [iSpot.tv](#), Mar. 29, 2019; Fears Nachawati TV Spot, ‘Roundup Lawsuit’, [iSpot.tv](#), Mar. 27, 2019; Roundup Advocates TV Spot, ‘Alert’, [iSpot.tv](#), Dec. 18, 2018; Weitz and Luxenberg TV Spot, ‘Monsanto Roundup Legal Helpline’, [iSpot.tv](#), June 14, 2017.
- ²⁰ *Zantac Victims Filing Mass Tort Claims*, [Malman Law](#), 3/18/21 (citing IARC).
- ²¹ *Water Contamination Cancer Lawsuits*, [Miller & Zois](#) (last visited 1/16/26).
- ²² *Aspartame Cancer Lawsuit*, [TorHoerman Law](#), 7/9/24.
- ²³ The litigation (mostly) concluded after a California agency issued a determination that chemicals in coffee created during roasting and brewing do not pose a significant risk of cancer. California Environmental Protection Agency, [Office of Environmental Health Hazard Assessment](#), [Exposures to Listed Chemicals in Coffee Posing No Significant Risk](#) (2019). For many years, IARC classified coffee itself as “possibly carcinogenic,” but faced with 1,000 studies finding otherwise, declassified it in 2016. International Agency for Research on Cancer, Press Release, [IARC Monographs Evaluate Drinking Coffee, Maté, and Very Hot Beverages](#), 6/15/16.
- ²⁴ U.S. Environmental Protection Agency, [Update on Ramazzini Institute Data in IRIS Assessments](#) (last updated 5/27/25).
- ²⁵ Kathleen L Heffron & David Zaruk, *Chaos and Catastrophe in the Heartland*, [The Firebreak](#), 12/7/23.
- ²⁶ Robert Wager, *The Scientific Literature on GMOs and Pesticides is Being Distorted*, [Real Clear Science](#), 1/24/24.
- ²⁷ Andrew Porterfield & Jon Entine, *Ramazzini — The Backstory of the ‘Independent’ Italian Organization That Partners With IARC, the Multi-Billion Dollar ‘Toxic Predator’ Industry, and Anti-Chemical Environmental Groups*, [Genetic Literacy Project](#), 6/15/23.
- ²⁸ Julie Kelly & Jeff Stier, *Who’s Getting Money From NIH?*, [National Review](#), 4/3/17.
- ²⁹ Porterfield & Entine, *supra*.
- ³⁰ *Id.*
- ³¹ Heffron & Zaruk, *supra*.
- ³² David Zaruk, *SlimeGate 3.1: AsparTort 2/4: The Corruption of Bernardino Ramazzini*, [The Risk-Monger](#), 6/8/23.
- ³³ Ryan Felton, *A Tiny Lab Found Benzene in Sunscreen and Hand Sanitizer. Why Did the FDA Go After It?*, [Consumer Reports](#), 3/31/22.
- ³⁴ Amanda Bronstad, *Scientific Lab Behind Dozens of Product Recalls Under the Microscope*, [Law.com](#), 1/30/23.
- ³⁵ [Valisure Citizen Petition on Ranitidine](#), Sept. 9, 2019 (citing Teng Zeng & William A. Mitch, *Oral Intake of Ranitidine Increases Urinary Excretion of N-nitrosodimethylamine*, Vol. 37, at 625-34).
- ³⁶ Adam Marcus, *Widely Covered Paper on Ranitidine-Cancer Link Retracted*, [Retraction Watch](#), 6/15/21.

-
- ³⁷ Joanne S. Eglovitch, *Nitrosamine Detection Tests Should Be 'Fit For Purpose,' Says FDA*, [Regulatory Affairs Professionals Society](#), 11/1/21.
- ³⁸ Joanne S. Eglovitch, *USP Proposes Analytical Methods for Drug Makers to Detect Nitrosamine Impurities*, [Pink Sheet](#), 9/8/20.
- ³⁹ *In re Zantac (Ranitidine) Products Liab. Litig.*, 644 F.Supp.3d 1075, 1092 (S.D. Fla. 2022).
- ⁴⁰ Valisure, *About Us* (last visited 1/16/26).
- ⁴¹ See Brand Defendants' Opposition to Valisure LLC's Motion to Quash and for Protective Order and Cross-Motion to Compel Subpoena Compliance, and Incorporated Memorandum of Law, at 6-8, *In re: Zantac (Ranitidine) Products Liability Litigation*, No. 9:20-md-02924 (S.D. Fla. filed 2/18/22) (Doc. 5272).
- ⁴² Daniel Fisher, *Lawyers, Guns and Money: The Anatomy of a Mass Tort*, [Legal Newswire](#), 9/21/23.
- ⁴³ Editorial, *A Legal Shakedown Exposed*, [Wall Street Journal](#), 2/16/23; see also Jamie Smyth, US Lab at the Centre of Legal Fight Over Zantac and Cancer, [Financial Times](#), 9/2/22; Fisher, *supra*.
- ⁴⁴ *In re Zantac*, 644 F. Supp. 3d at 1093; see also *In re Zantac (Ranitidine) Litig.*, 342 A.3d 1131 (Del. 2025).
- ⁴⁴ See Mark Behrens & Cary Silverman, *Delaware Supreme Court Embraces Federal Rule 702 Amendments, Emphasizes Trial Courts' Evidence-Gatekeeping Role*, [Washington Legal Foundation](#), 8/4/25.
- ⁴⁵ Valisure, Press Release, *Scientific Study Reports That on Average Rapid-Release Acetaminophen Gelcaps Dissolve Slower Than Standard-Release Tablets*, 11/15/18 (discussing Kaury Kucera et al., Rapid and Fast-Release Acetaminophen Gelcaps Dissolve Slower Than Acetaminophen Tablets, *Advances in Investigational Pharmacology and Therapeutic Medicine* 1:63-71 (2018) (retracted)).
- ⁴⁶ *Class Action Complaint, Bailey v. Rite Aid Corp.*, No. 3:18-cv-6926 (N.D. Cal. filed Nov. 15, 2018).
- ⁴⁷ See *Discovery Letter Brief* at 2, *Bailey v. Rite Aid Corp.*, No. 4:18-cv-06926 (N.D. Cal. filed Oct. 20, 2020) (Doc. 94).
- ⁴⁸ *Id.*
- ⁴⁹ Janna Mandell, *A Lab Found a Carcinogen in Dozens of Sunscreens. Here's What Those Findings Really Mean*, [Washington Post](#), 6/5/21.
- ⁵⁰ *California Lab Finds New Clues in Popular Heartburn Drug's Possible Cancer Link*, [CBS News](#), 1/10/20.
- ⁵¹ Sara K. Thompson, *Trends To Watch: 2023 Pharmaceutical, Medical Device & Health Care Litigation*, [Greenberg Traurig](#), 1/25/23.
- ⁵² Litigation Support Solutions, [Emery Pharma](#) (last visited 1/16/26).
- ⁵³ Emery Pharma, [Citizen Petition](#) to the Food and Drug Administration, 1/2/20.
- ⁵⁴ Daniel Fisher, *Money Well Spent: Research From Lab Costs Plaintiff Lawyers \$2M But Drives Thousands of Zantac Cases*, [Legal Newswire](#), 6/18/24.
- ⁵⁵ *Id.*; see also John O'Brien, *75,000 Zantac Cases Dealt Huge Blow After Experts DQ'd*, [Legal Newswire](#), July 14, 2025.
- ⁵⁶ *In re Zantac*, 644 F. Supp. 3d at 1112-61.
- ⁵⁷ *Id.* at 1121-23.
- ⁵⁸ See generally [Mamavation: Eco-Wellness Product Investigations for Moms](#), last visited 1/22/25.
- ⁵⁹ See, e.g., Tom Perkins, *Band-Aid, Walmart and CVS Among Bandage Brands Containing Toxic PFAS*, [The Guardian](#), 4/5/24; Ana Faguy, *Yoga Pants and Leggings May Contain PFAS — Study*, [Politico Pro](#), 1/21/22;
- ⁶⁰ See Claim: Cancer-causing Forever Chemicals Found in Ban Aids, [Scientific Feedback](#), 4/12/24 (review by Oliver Jones, A. Daniel Jones & Ian Cousins, finding Mamavation claim spread on TikTok and social media "unsupported"); see also Madison Dapceвич, *Study Found Some Bandage Brands Contain PFAS 'Forever Chemicals'?*, [Snopes](#), 6/18/24.
- ⁶¹ Kathleen L Heffron & David Zaruk, *Chaos and Catastrophe in the Heartland*, [The Firebreak](#), 12/7/23.
- ⁶² Tiger Joyce, *Monsanto's Triumph Over Junk Science*, [Washington Times](#), 10/10/22.
- ⁶³ *Id.* The Heartland Health Research Alliance's website omits Ms. Greenwald, and the vice-chair position entirely, though a mirrored site, which remains live, indicates that Ms. Greenwald may continue to hold this position. Compare [Heartland Health Research Alliance](#), Board of Directors with [Heartland Health Research Alliance](#), Board of Directors. Accessed 1/15/26.
- ⁶⁴ John Sammon, *Defense Attorney for Monsanto Portrays Plaintiff Witness as Well Paid Litigation Mouthpiece*, [Legal Newswire](#), 8/5/22.
- ⁶⁵ *Transcript of Deposition of Charles Benbrook, Ph. D, In re: Roundup Products Liability Litigation*, No. 3:16-md-02741, at 35-37 (Dec. 28, 2018).
- ⁶⁶ Tiger Joyce, Op-ed, *Monsanto's Triumph Over Junk Science*, [Washington Times](#), 10/10/22.
- ⁶⁷ Kathleen Hefferon, *Anti-Pesticide Researchers May Have Committed Serious Ethics Breaches*, [Real Clear Science](#), 4/13/22.
- ⁶⁸ Eric Lipton, *Food Industry Enlisted Academics in G.M.O. Lobbying War, Emails Show*, [New York Times](#), 9/5/15.
- ⁶⁹ Joe Schwarcz, *The Environmental Working Group Is Scaring Us Again – Or Is It?*, [Seed World](#), 3/28/24; Andrea Love, *Viewpoint: The Environmental Working Group's "Dirty Dozen" list is a Danger to Public Health Put Out by an Organic Industry Funded Activist Group*, [Genetic Literacy Project](#), 3/15/24; Kavin Senapathy, *Would You Rather Buy Organic or Poison Your Family? EWG Wants You to Pick One*, [Forbes](#), 7/12/16.

- 70 See [Environmental Working Group, Who We Are, Funding & Reports, Common Questions](#) (last visited 1/16/26) (indicating that EWG has occasionally partnered with organizations that support organic food initiatives and receives financial and in-kind support from companies that offer a wide range of products and services, including organic food and personal care products, but does not conduct “corporate-sponsored research,” accept programmatic support from businesses it researches, or accept payment for scoring products).
- 71 *What Cancers Are Linked to PFAS*, [Ankin Law](#), 11/27/23; Henrik Nilsson, *Purina Food Exposes Cats To ‘Forever Chemicals,’ Suit Says*, [Law360](#), 11/20/23.
- 72 Rachel Scharf, *Quaker Oats Beats Pesticide Suit As Judge Cites EPA Limits*, [Law360](#), 3/18/25; Aimee Picchi, *Cheerios, Nature Valley Cereals Contain Roundup Ingredient, Study Finds*, [CBS News](#), 6/13/19; Shelby Danielsen, *Group Says Weed Killer is in Your Oat-based Cereal, But are You Really in Danger?*, [WCNC Charlotte](#), 8/20/18.
- 73 Michelle Whitmer, *Talcum Powder and Asbestos*, [Asbestos.com](#), 8/5/24.
- 74 *Roundup: The Next Mass Tort Litigation*, [Hawkins Parnell](#), 8/22/18.
- 75 *PWD Position Statement on the Environmental Working Group’s PFAS Report*, [City of Philadelphia](#), 1/22/20.
- 76 Simon Spichak, *Just 1 in 4 Sunscreens Are Safe and Effective, Report Claims—Do Dermatologists Agree?*, [Health.com](#), 6/3/25 (quoting Adam Friedman, MD, chair of dermatology at the George Washington University School of Medicine and Health Sciences, regarding an EWG study of sunscreen safety).
- 77 Nidhi Subbaraman, *Flood of Fake Science Forces Multiple Journal Closures*, [Wall Street Journal](#), 5/14/24.
- 78 Robin McKie, *‘The Situation Has Become Appalling’: Fake Scientific Papers Push Research Credibility to Crisis Point*, [The Guardian](#), 2/3/24.
- 79 Subbaraman, *supra*.
- 80 *Id.*
- 81 *Id.*
- 82 Walter Klyce & Edward Feller, *Junk Science for Sale: Sham Journals Proliferating Online*, [Rhode Island Medical Journal](#), at 27, 7/17.
- 83 Theresa Hammond, *Pay-to-Play Journals*, [Contexts](#), 11/12/12.
- 84 Klyce & Feller, *supra*, at 27.
- 85 McKie, *supra*.
- 86 *Id.*
- 87 *Id.*
- 88 Jon Entine, *Web of Disinformation: How Environmentalists Conspire With Tort Lawyers, RFK Jr. and the Church of Scientology to Deceive the Public, Manipulate the Media and Fill Their Coffers*, [Genetic Literacy Project](#), 7/14/23.
- 89 *Id.*
- 90 *Id.*
- 91 Lisa Friedman, *Six Things to Know About ‘Forever Chemicals’*, [New York Times](#), 4/10/24.
- 92 Sumathi Reddy, *Lots of Tap Water Contains ‘Forever Chemicals.’ Take These Steps to Reduce Your Risk*, [Wall Street Journal](#), 7/18/23.
- 93 Kate Selig, *Toxic ‘Forever Chemicals’ Taint Nearly Half of U.S. Tap Water, Study Estimates*, [Washington Post](#), 7/6/23.
- 94 [Environmental Working Group, Tenet 1. Non-Scientists Must Understand the Issue](#) (last visited 1/16/25); [Organic Consumers Association, About OCA](#) (last visited 1/16/25).
- 95 [Environmental Working Group, Our Impact](#) (last visited 1/16/25).
- 96 Robert Gebelhoff, *The Media is Ruining Science*, [Washington Post](#), 8/17/16.
- 97 *Id.*
- 98 Jo Khan, “Things That Cause Cancer Are All Around Us, If You Believe the News — How Worried Should We Be?,” [ABC News \(Australia\)](#), 11/23/18.
- 99 Douglas Starr, *Expert Witness David Egilman Wins Billions—And Makes Enemies—As He Fights Companies Over Public Health*, [Science](#), 1/24/19.
- 100 *Id.*
- 101 Clay Rise, David Egilman, Doctor Who Took on Drug Companies, Dies at 71, [New York Times](#), 4/15/24.
- 102 Tamar Lewin, *Company Sues Its Workers’ Doctors*, [New York Times](#), 6/9/87.
- 103 *Ballinger v. Brush Wellman, Inc.*, 2001 WL 36034524, at *1 (Colo. Dist. Ct. June 22, 2001).
- 104 *Id.*
- 105 Toni Clarke, *Lilly Wins Apology, \$100,000 from Document Leaker*, [Reuters](#), 9/7/07.
- 106 *Newkirk v. ConAgra Foods, Inc.*, 727 F.Supp.2d 1006, 1018 (E.D. Wash. 2010), *aff’d*, 438 Fed. Appx. 607 (9th Cir. 2011).
- 107 Hank Campbell, *California Pulls the Plug on Trial Lawyers Hoping to Get Rich Off Glyphosate Lawsuits*, [American Council on Science and Health](#), 2/27/18.
- 108 Simon Marks, *The Man Who Haunts Europe’s Food Safety Watchdog*, [Politico](#), 7/9/18.
- 109 Campbell, *supra*.
- 110 Kate Kelland, *In Glyphosate Review, WHO Cancer Agency Edited Out ‘Non-carcinogenic’ Findings*, [Reuters](#), 10/19/17.
- 111 Marks, *supra*.
- 112 *In re: Paraquat Prods. Liab. Litig.*, 2024 WL 1659687, at *40 (S.D. Ill. Apr. 17, 2024).
- 113 *Id.* at 41 (*emphasis in original*); see also Brendan Pierson, *Judge Rejects Key Expert in Paraquat*

-
- Lawsuits, Tosses First Cases Set for Trial*, Reuters, 4/17/24.
- ¹¹⁴ *In re Incretin-Based Therapies Prods. Liab. Litig.*, 524 F. Supp. 3d 1007, 1039-40 (S.D. Cal. 2021).
- ¹¹⁵ *Id.*
- ¹¹⁶ *Mass Torts Made Perfect*, Speaker Bio: Dr. April Zambelli-Weiner (last visited 1/16/25).
- ¹¹⁷ *In re Zofran (Ondansetron) Prods. Liab. Litig.*, 392 F. Supp. 3d 179, 186 (D. Mass. 2019) (discussing Zambelli-Weiner A, et al., *First Trimester Ondansetron Exposure and Risk of Structural Birth Defects*, 83 Reproductive Toxicology 14-20 (2019)).
- ¹¹⁸ *Id.* at 183.
- ¹¹⁹ *Id.*
- ¹²⁰ *Id.*
- ¹²¹ *Id.*
- ¹²² *Id.* at 183, 186.
- ¹²³ *Id.* at 186.
- ¹²⁴ *In re Zofran (Ondansetron) Products Liability Litigation*, 541 F. Supp.3d 164, 169 (D. Mass. 2021), *aff'd*, 57 F.4th 327 (1st Cir. 2023).
- ¹²⁵ Amanda Bronstad, *Johnson & Johnson Sues Plaintiffs' Talc Experts Accused of 'Widespread Deception'*, Law.com, May 10, 2024.
- ¹²⁶ Theresa S. Emory et al., *Malignant Mesothelioma Following Repeated Exposures to Cosmetic Talc: A Case Series of 75 Patients*, Am. J. Indus. Med. 63(6): 484-89 (2020).
- ¹²⁷ Appellant American International Industries' Response to Appellee's Motion to Dismiss Appeal, *Peninsula Pathology Assocs. v. American Int'l Indus.*, No. 23-1972 (filed 4th Cir. Apr. 17, 2025).
- ¹²⁸ Mike Curley, *4th Circ. Asked to Reveal Names of Talc Study's 75 Patients*, Law360, Dec. 14, 2023.
- ¹²⁹ Order, *Peninsula Pathology Assocs. v. American Int'l Indus.*, No. 23-1972 (4th Cir. June 18, 2025). ATRA filed an *amicus* brief in the case supporting the defendant's request for the information. See Brief of *Amicus Curiae* The American Tort Reform Association in Support of Appellant American International Industries, *Peninsula Pathology Assocs. v. American Int'l Indus.*, No. 23-1972 (4th Cir. filed Dec. 20, 2023).
- ¹³⁰ Complaint and Demand for Jury Trial, *LLT Mgm't LLC v. Emory*, No. 4:24-cv-00075, ¶ 32 (E.D. Va. filed May 9, 2024).
- ¹³¹ *Id.* ¶ 71.
- ¹³² *Id.* ¶¶ 83, 96.
- ¹³³ *Id.* ¶¶ 3, 20-27.
- ¹³⁴ *Id.* ¶¶ 8.
- ¹³⁵ Memorandum Opinion & Order, *LLT Mgm't LLC v. Emory*, No. 4:24-cv-00075 (E.D. Va. Feb. 7, 2025).
- ¹³⁶ Pecos River Talc LLC's Motion to Compel the Identities of the Article's Subjects and for an Amended Answer, *Pecos River Talc LLC v. Emory*, No. 4:24-cv-00075 (E.D. Va. Apr. 22, 2025).
- ¹³⁷ Memorandum Opinion & Order, *Pecos River Talc LLC v. Emory*, No. 4:24-cv-00075 (E.D. Va. July 8, 2025).
- ¹³⁸ See Amanda Bronstad, *Judge Plans to Revive J&J's Suit Against Prominent Plaintiffs Expert in Talc Cases*, Law.com, 1/8/26; Emily Lever, *NJ Judge Signals Green Light to Revive J&J Unit's Libel Suit*, Law360, 1/6/26; see also Certification of Intent to Grant Motion, *Pecos River Talc LLC v. Moline*, No. 23-cv-02990 (D. N.J. Jan. 5, 2026) (permitting Pecos River to file an amended complaint).
- ¹³⁹ American College of Obstetricians & Gynecologists, News Release, *ACOG Affirms Safety and Benefits of Acetaminophen during Pregnancy*, 9/22/25.
- ¹⁴⁰ Autism Science Foundation, Press Release, Statement from Autism Science Foundation Regarding Wall Street Journal Report "RFK Jr., HHS to Link Autism to Tylenol Use in Pregnancy and Folate Deficiencies," 9/5/25.
- ¹⁴¹ *In re Acetaminophen - ASD-ADHD Prods. Liab. Litig.*, 707 F.Supp.3d 309, 334 (S.D.N.Y. 2023).
- ¹⁴² *Id.*
- ¹⁴³ *Id.*
- ¹⁴⁴ *Id.* at 364.
- ¹⁴⁵ *In re: Acetaminophen – ASD-ADHD Products Liability Litigation*, No. 22MC3043 (DLC), 2024 WL 3357608, at *1, *6 (S.D.N.Y. July 10, 2024).
- ¹⁴⁶ *Id.* at *17-18.
- ¹⁴⁷ *Id.*
- ¹⁴⁸ *Id.* at *25.
- ¹⁴⁹ Mount Sinai, Press Release, *Mount Sinai Study Supports Evidence That Prenatal Acetaminophen Use May Be Linked to Increased Risk of Autism and ADHD*, 8/13/25; Didier Prada et al., *Evaluation of the Evidence on Acetaminophen Use and Neurodevelopmental Disorders Using the Navigation Guide Methodology*, 24:56 *Environmental Health* (2025).
- ¹⁵⁰ *In re Acetaminophen - ASD-ADHD Prods. Liab. Litig.*, 707 F.Supp.3d at 344 (excluding expert opinion of Dr. Andrea Baccarelli).
- ¹⁵¹ Tiger Joyce, Commentary, *RFK's Jr.'s Trial Lawyer Ties Raise Red Flags*, The Well News, 1/30/25.
- ¹⁵² See Emily R. Siegel, *RFK Jr. for Health Chief Excites 'Bullish' Mass Tort Lawyers*, Bloomberg Law, 11/25/24.
- ¹⁵³ *Finding the Facts in the Tylenol Autism Case with Ann Bauer*, David v. Goliath, 12/21/22.
- ¹⁵⁴ See Ann Bauer Sc.D, X.com.
- ¹⁵⁵ See Order Denying Defendants' Motion in Limine to Exclude Plaintiffs' Expert Testimony on General Causation, *NC v. Hain Celestial Group, Inc.*, No. 21STCV22822 (Cal. Super Ct. Los Angeles County 2022); Wisner Baum, Press Release, *Expert Witnesses*

-
- to Face Off in Roundup Cancer Hearing Next Week, 3/4/2018.
- ¹⁵⁶ Wisner Baum, [Conor Kennedy, Attorney, Associate](#) (last visited 1/15/26).
- ¹⁵⁷ See [Response to Reviewers](#) at 18, 20.
- ¹⁵⁸ Sherman Joyce, [Commentary, When Science Becomes a Litigation Strategy](#), [Law.com](#), 10/12/25.
- ¹⁵⁹ Ahmed Aboulenein, [US Health Chief Kennedy Targets Vaccine Injury Compensation Program](#), [Reuters](#), 7/28/25.
- ¹⁶⁰ Each year, vaccine manufacturers pay an average of \$200 million to \$275 million into the program to compensate claimants. Vaccine Injured Petitioners Bar Association, [VICP Frequently Asked Questions](#) (last visited 1/18/26).
- ¹⁶¹ Health Resources & Services Administration, Data & Statistics, National Vaccine Injury Compensation Program, [Monthly Statistics Report](#) (updated 1/1/26).
- ¹⁶² See, e.g., U.S. Dep’t of Health and Human Services, [Decision Memo](#), Jan. 5, 2026 (altering the schedule of routinely administered vaccines to recommend use only for high-risk populations or subjecting them to “shared clinical decision-making”); see also Daniel Payne, [Hospitals and Doctors are Ignoring RFK Jr.’s New Vaccine Schedule and Relying on Pediatricians’ Guidance Instead](#), [Stat](#), 1/15/26 (reporting that major health systems and clinicians view to changes as unsupported by evidence and plan to instead follow American Academy of Pediatrics guidance).
- ¹⁶³ Melody Schreiber, [US to Slash Routine Vaccine Recommendations for Children in Major Change Experts Say Creates Doubt](#), [The Guardian](#), 1/5/26.
- ¹⁶⁴ Ezekiel J. Emanuel & Paul Friedrichs, Op-ed, [How RFK Jr. Plans to Bankrupt Vaccine Manufacturers](#), [Washington Post](#), 1/15/26; see also Aaron Pellish, [RFK Jr. Says He Directed CDC to Remove Claim that Vaccines Do Not Cause Autism](#), [Politico](#), 11/21/25.
- ¹⁶⁵ Lauren Gardner, [RFK Jr. Adviser: We’re Trying to Get Kids with Autism into Vaccine Injury Program](#), [Politico](#), 9/25/25.
- ¹⁶⁶ [H.B. 3441](#) (Tex. 2025) (to be codified at Tex. Health & Safety Code § 431.118).
- ¹⁶⁷ [S.B. 1483](#), [S.B. 1548](#), [S.B. 1549](#) (Okla. 2026); [H.B. 339](#), [S.B. 408](#) (Fla. 2026).
- ¹⁶⁸ Jennifer Hijazi, [Science Might Help Win Climate Cases. Here’s How](#), [E&E News by Politico](#), 7/23/19 (quoting Friederike Otto, a climate expert at the University of Oxford).
- ¹⁶⁹ Maxine Joselow, [Science Could Aid Climate Cases. Big Oil is Fighting It](#), [E&E News by Politico](#), 4/16/21 (quoting Ms. Otto).
- ¹⁷⁰ *Id.* (quoting Jessica Wentz).
- ¹⁷¹ See Matthew Wickersham & Briana Matusovsky, [The Evidentiary Admissibility of Extreme Weather Attribution Opinions](#), [53 Rutgers L. Rec.](#) 125 (2025).
- ¹⁷² National Academies of Science, Engineering, and Medicine & Federal Judicial Center, [Reference Manual on Scientific Evidence, Fourth Edition](#). Washington, D.C. (2025).
- ¹⁷³ See Jessica Wentz & Radley Horton, [Reference Guide on Climate Science](#), at 1561-1652.
- ¹⁷⁴ *Id.* at 1622-23.
- ¹⁷⁵ See Michael A. Fragoso, [Why Is Congress Funding the Judiciary’s Support for Climate Plaintiffs?](#), [National Review](#), 1/15/26.
- ¹⁷⁶ National Academies, [Emerging Areas of Science, Engineering, and Medicine for the Courts: Proceedings of a Workshop—In Brief](#), at 5-6 (2021).
- ¹⁷⁷ In 2025, legislators introduced private right of action bills in California, Hawaii, Illinois, Maryland, New Hampshire, New York, Oregon, and Pennsylvania. See [S.B. 222](#) (Cal. 2025); [S.B. 1166](#) (Haw. 2025); [H.B. 3594](#) (Ill. 2025); [H.B. 601](#) (N.H. 2025); [S. 4799](#) (N.Y. 2025); [S.B. 679](#) (Or. 2025); [H.B. 1931](#) (Pa. 2025).
- ¹⁷⁸ New York and Vermont have enacted such legislation. See [S. 259](#) (Vt. 2024) (codified at 10 Vt. Stat. Ann. § 596); [A.3351B / S.2129B](#) (N.Y. 2024). Eleven other states considered, but did not enact, such legislation in 2025. See [A.B. 1243/S.B. 684](#) (Cal. 2025); [H.B. 6280 / S.B. 1199](#) (Conn. 2025); [S.B. 1652](#) (Haw. 2025); [L.D. 1808, L.D. 1870](#) (Maine 2025); [S. 588 / H.938 / H.1014](#) (Mass. 2025); [A.4696 / S.3545](#) (N.J. 2025); [S.B. 1187 / S.B. 682](#) (Or. 2025); [S.B. 326 / H.B. 5424](#) (R.I. 2025); [S.B. 702 / H.B. 716](#) (Tenn. 2025); [H.B. 2233 / S.B. 1123](#) (Va. 2025). Maryland enacted legislation overriding a veto, but limited the bill to a study of the costs of climate change. [H.B. 128/S.B. 149](#) (Md. 2025).
- ¹⁷⁹ [Daubert v. Merrell Dow Pharmaceuticals, Inc.](#), 509 U.S. 579, 593-94 (1993).
- ¹⁸⁰ Fed. R. Evid. 702 advisory committee's notes (2020 amendments) (recognizing that, when considering the reliability of expert testimony, courts consider “[w]hether experts are ‘proposing to testify about matters growing naturally and directly out of research they have conducted independent of the litigation, or whether they have developed their opinions expressly for purposes of testifying’”).
- ¹⁸¹ Fed. R. Evid. 702 advisory committee's notes (2023 amendments).
- ¹⁸² *Id.*
- ¹⁸³ *Id.*
- ¹⁸⁴ *Id.*
- ¹⁸⁵ [Post v. Hanchett](#), 2024 WL 474484, at *2 (D. Kan. Feb. 7, 2024) (quoting [BlueRadios, Inc. v. Kopin Corp.](#), 2023 WL 9104818, at *3 n.3 (D. Colo. Dec. 27, 2023)).
- ¹⁸⁶ [Hellen v. American Family Insurance Co.](#), 2024 WL 1832451, at *1 (D. Colo. Mar. 19, 2024) (internal quotation and alterations omitted).
- ¹⁸⁷ [Johnson & Johnson Talcum Powder Products Marketing, Sales Practices & Products Liability Litigation](#), 2024 WL 1914881, at *3 (D. N.J. Apr. 30, 2024) (emphasis in original).
- ¹⁸⁸ *Id.*

- ¹⁸⁹ *In re Paraquat Products Liability Litigation*, 2024 WL 1659687, at *41 (S.D. Ill. Apr. 17, 2024) (emphasis in original) (excluding expert testimony on causation in litigation alleging that over 5,000 individuals developed Parkinson’s disease due to their exposure to the herbicide paraquat).
- ¹⁹⁰ As of January 2026, the Supreme Courts of Arizona, Kentucky, Michigan, and Ohio have amended their state’s evidence rules to conform to the 2023 amendments to Federal Rule of Evidence 702. *In the Matter of Rule 702, Rules of Evidence*, No. R-23-0004 (Ariz. Aug. 24, 2023); *Order, In re: Amendment of Rule 506 and Rule 702 of the Kentucky Rules of Evidence*, No. 2024-19 (Ky. June 24, 2024); *Order, Amendments of Rules 702 and 804 of the Michigan Rules of Evidence*, ADM File No. 2022-30 (Mich. Mar. 27, 2024); *Amendment to Rule of Evidence 702* (Ohio July 1, 2024). Louisiana and Oklahoma have enacted legislation updating its evidence rule to align with the 2023 amendments to the federal Rule 702. *See* S.B. 16 (La. 2024) (amending La. Code of Evid. Art. 702); S.B. 453, § 9 (Okla. 2025) (amending 12 Okla. Stat. § 2702).
- ¹⁹¹ *In re Zantac (Ranitidine) Litig.*, 342 A.3d 1131, 1134-35 (Del. 2025).
- ¹⁹² *See* Mark Behrens & Cary Silverman, “Delaware Supreme Court Embraces Federal Rule 702 Amendments, Emphasizes Trial Courts’ Evidence-Gatekeeping Role,” *Wash. Legal Found.*, 8/4/25.
- ¹⁹³ Frank C. Woodside, et al. *Court Appointed Experts in the Breast Implant Litigation: Current Developments and Historical Bases*, *Int’l J. of Toxicology*, Vol. 17:4, 465-91 (1998).
- ¹⁹⁴ Timothy J Coughlin & Hannah Caldwell, “*Science Day*”: *Back to School: How to Explain Causation Theories to the Court For the Defense*, *Toxic Torts and Environmental Law* (June 2020).
- ¹⁹⁵ *International Agency for Research on Cancer, Funding* (last visited 1/15/26).
- ¹⁹⁶ *See* The White House, *Withdrawing the United States from the World Health Organization*, 1/20/25.
- ¹⁹⁷ *See* Shannon Kelleher, *Amid Series of Rapid-Fire Policy Reversals, Trump Quietly Withdraws Proposed Limits on PFAS*, *The New Ledes*, 1/23/25 (quoting IARC spokesperson).
- ¹⁹⁸ Evelyn Fletcher Davis, et al., *The EPA’s March to Ban Asbestos: 2020 Draft Risk Evaluation*, *IADC*, 10/20/20.
- ¹⁹⁹ *See* Ross Todd, *Litigators of the Week: The Skadden and Nelson Mullins Team that Landed a Win for J&J in the First In-Person Talc Trial of the Pandemic*, *American Lawyer*, 8/6/21 (interview with defense attorney Alice Brown).
- ²⁰⁰ James M. Sabovich, et al., *Bendectin’s Revenge: The Fall of the Vaccine-Autism Litigation to Judicial Scrutiny*, *Bloomberg Law*, 5/10/20; T.S. Sathyanaraya Rao, et al., *The MMR Vaccine and Autism: Sensation, Refutation, Retraction, and Fraud*, *Indian J. Psychiatry* (2011).
- ²⁰¹ *In re: Zofran (Ondansetron) Products Liability Litigation, Memorandum and Order on In Camera Production of Documents Concerning Dr. April Zambelli-Weiner* (D. Mass. July 25, 2019); *see also* James M. Beck, *Here Are the Zambelli-Weiner Documents That the Big Fight Was About*, *Drug & Device Law Blog*, 8/24/20.
- ²⁰² *See* Amanda Bronstad, *Judge Plans to Revive J&J’s Suit Against Prominent Plaintiffs Expert in Talc Cases*, *Law.com*, 1/8/26; Emily Lever, *NJ Judge Signals Green Light to Revive J&J Unit’s Libel Suit*, *Law360*, 1/6/26.
- ²⁰³ *See generally* Lester Brickman, *Civil RICO: An Effective Deterrent to Fraudulent Asbestos Litigation?*, 40 *Cardozo Law Review* 2301, 2344-48 (2019).
- ²⁰⁴ CSX, *Press Release, CSX Concludes Racketeering and Fraud Litigation Against Asbestos Lawyers*, 11/6/14; Emily Field, *CSX, Asbestos Attys End 4th Circ. RICO Fight With \$7.3M Deal*, *Law360*, 11/6/14.
- ²⁰⁵ ATRA, *Sanctionable: The Unsupported, Exaggerated, and Suspicious Claims Plaguing Our Nation’s Courts*, at 4-10, Oct. 2025.
- ²⁰⁶ *Id.* at 13-14 (discussing *Amended Complaint, 3M Co. v. Hammond*, No. 7:25-cv-00037, ¶¶ 2, 7, 11- 19 (E.D. Ky. Aug. 6, 2025)).
- ²⁰⁷ *Acetaminophen ASD-ADHD Products Liability Litigation*, 707 F.Supp.3d 309, 334 (S.D.N.Y. 2023) (excluding expert testimony asserting that prenatal exposure to acetaminophen causes autism and attention-deficit/hyperactivity disorder when no medical organization or regulatory body had reached such a conclusion).