

# Health ministry accepts liability in Japanese HIV-infected blood row

**Tokyo.** After more than six years of court battles, Japan's Ministry of Health and Welfare (MHW) last week finally accepted partial responsibility for failing to prevent the infection of thousands of Japanese haemophiliacs in the 1980s with HIV by contaminated blood products.

Last Friday (16 February), Naoto Kan, Japan's Minister of Health and Welfare, who has been pushing to resolve the blood product scandal since his appointment as minister last month, offered his "heartfelt apologies" directly to a large group of HIV-positive haemophiliacs and relatives of AIDS victims at a press conference at the ministry.

He added that, on behalf of the government, he "completely accepted" the views of Tokyo and Osaka district courts that "the government's delay in action magnified the damage". This apology and admission of

responsibility had been sought through court action by the haemophiliacs since 1989, but finally came after hundreds of HIV-positive haemophiliacs and their supporters staged a three-day sit-in in tents outside the MHW in Tokyo last week.

Kan's address marks the first time that the government has clearly accepted any responsibility for the disaster, in which two-fifths of Japan's 5,000 haemophiliacs were infected with HIV. The MHW took two years, from 1983 to 1985, to approve blood products heat-treated to kill HIV and other viruses, and even after approval of these products in July 1985 it failed to ban products that had not been heat-treated. During this period, large numbers of haemophiliacs were infected with HIV (see diagram over).

The plaintiffs decided to stage a sit-in outside the ministry after five companies that distributed the contaminated blood



**Blood pressure:** demonstrators mount a sit-in to force the government to admit mistakes.

coagulants — as well as the government, which had approved their use — refused to admit responsibility for allowing the disaster to spread. This was even after the Tokyo and Osaka courts urged them last October to pay large amounts of compensation to the victims in an out-of-court settlement.

The HIV-positive haemophiliacs — concealed within open tents in order to protect their privacy — were joined by large numbers of mostly youthful supporters, who held banners urging the ministry to admit its fault and apologize to the victims. Addresses to the crowd by victims and their families expressed sorrow at their loss, and anger at the government's continued recalcitrance.

Both the demonstration and Kan's apology follow the recent 'discovery' of files in the ministry building showing that health officials were aware that blood products were a possible route of HIV transmission in July 1983 (see *Nature* 379, 572; 1996).

Tetsu Noma, who is acting for the plaintiffs in the Tokyo court case, says that the discovery of the files, taken with Kan's apology, will have a "large effect" on the negotiations between the plaintiffs and the government, as they clearly establish the government's liability.

The biggest remaining barrier to a settlement, says Noma, is the unwillingness of two non-Japanese companies implicated in the scandal, Baxter Ltd and Bayer Yakuin Ltd, to pay their share of the settlement proposed by the Tokyo and Osaka courts last October. The proposal suggested that the parties reach an out-of-court settlement in which each victim would be paid ¥45 million (US\$420,000), with 60 per cent of the cost to be met by the companies and the remainder by the government (see *Nature* 377, 467; 1995).

Negotiations over the settlement have progressed only slowly, as a political resolution is needed to meet the demands, says Noma. He claims that the government's budget is a key factor in any decision, as ►

## Canadian inquiry points the finger

**Montreal.** More than 300 potential allegations of misconduct, contained in documents filed in federal court as a result of a commission of inquiry into Canada's contaminated blood scandal and made public last week, appear to form a searing indictment of the country's blood distribution system.

The allegations, which represent the provisional conclusions of the inquiry, headed by Mr Justice Horace Krever, point not just to possible neglect of duty among official bodies but sometimes to apparently deliberate malfeasance.

The Bureau of Biologics, for example, the body responsible for regulating and monitoring blood safety, is said by Krever to have failed to inform physicians and consumers of the risks of potentially contaminated blood products until 1988 — several years after such risks had been established. Indeed, it is also charged with approving potentially hazardous products as late as 1994.

According to Krever, another federal agency, the Laboratory Centre for Disease Control, may have distributed inaccurate and misleading information about AIDS while trying to reassure the public, according to court documents. The National Advisory Committee on AIDS, consisting of federally appointed scientists, purportedly allowed the public to be told in a pamphlet that the risk of

contracting HIV from a blood transfusion was only about two in a million — whereas in late 1985 it was already known to be as high as one in 166 for major surgery.

Some of Krever's most serious allegations are aimed at the Canadian Blood Committee. The committee is made up senior federal and provincial health officials responsible for funding and overseeing the blood system, and Krever claims in his provisional conclusions that the committee was incapable of fulfilling its objectives, as its members had no pertinent expertise, no autonomy and insufficient resources.

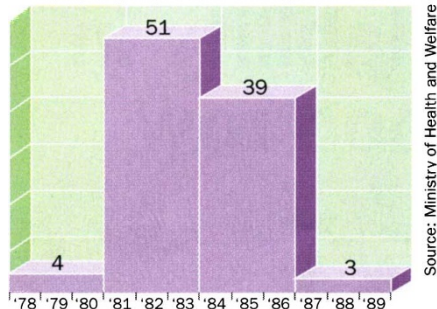
The panel allegedly based the allocation of both money and plasma partly on political considerations, such as regional economic development needs, and devoted its resources to inadequate fractionation techniques, on which almost C\$700 million (US\$510 million) was wasted. The committee is also alleged to have hidden shortcomings in the regulation of blood products.

All the groups against which the allegations have been made have been given a chance to respond before Krever delivers his final verdict — though this is now expected to be delayed in the light of legal challenges to the procedure that Krever has adopted (see *Nature* 379, 479; 1996).

**David Spurgeon**



Distribution of HIV infection of haemophiliacs in Japan (sample of 97 cases) 1978-1990



► the government's share of the original proposal made by the courts would be ¥32.4 billion (about US\$300 million) if compensation were offered to all 1,800 victims.

Apart from Kan's apology, there have been other indications that a resolution may be in sight. These include a recent announcement by Ryuichi Hashimoto, the prime minister, that a new compromise proposal to be issued by the Tokyo and Osaka courts at the end of this month will include measures to ensure the welfare of victim's families — a demand not dealt with in the previous proposal.

The government's admission of responsibility may also spur investigation into accusations of criminal liability and perjury that have been filed against some former ministry officials by the plaintiffs. Last week, the mother of a victim who died in 1991 filed an accusation of murder with the Tokyo District Prosecutor's Office against Takeshi Abe, who headed an MHW AIDS study group that advised continued use of non-heat-treated blood products in 1983.

The mother claims that her son was infected after receiving transfusions of coagulant from Abe in April and June 1985, well after Abe had learned in late 1984 that 23 out of 48 haemophiliacs receiving the same kind of blood products under his care had been infected with HIV.

The new charges follow an earlier accusation of "wilful negligence resulting in death" filed against Abe in 1994 (see *Nature* 368, 680; 1994), and a perjury charge filed last month against Atsuaki Gunji, the head of the division within the ministry's pharmaceutical affairs bureau that set up the study group. Noma says that the newly discovered documents may prompt the prosecutors into action over these outstanding accusations.

Gunji, now a professor of public health at Tokyo University's Faculty of Medicine, has been accused of lying to the Tokyo district court in 1993 when he twice testified that ten years earlier he had been unaware that the transmission routes for HIV and the hepatitis-B virus were probably similar (see *Nature* 369, 388; 1996). The documents recently unearthed at the ministry, some written by Gunji, are said to contradict this testimony. But neither Gunji or Abe will comment publicly on the court cases, on the matter of the files, or on the accusations against them.

Stephen Barker & David Swinbanks

## Scientists urged to turn their attentions to nuclear waste

**Washington.** The United States government is turning to basic science in an attempt to find new approaches to the massive task of cleaning up its nuclear weapons complexes. The Department of Energy (DoE) is inviting grant applications from scientists at universities and national laboratories for basic research into ways of simplifying the problem; the cost of the clean-up could be as high as \$1,000 billion. and it could take as long as 75 years.

Under the new programme, \$50 million will be made available this year in grants of between \$100,000 and \$300,000. The total will include \$20 million for university research groups, and \$20 million to support work in DoE laboratories. Critics claim that the funding level is far too low, given the scale of the problem; but the budget may grow in subsequent years.

"This is the first pure science programme we have undertaken," says Tom Grumbly, assistant secretary in charge of the DoE's Office of Environmental Management (OEM). Over the next few years, Grumbly predicts, the programme will build up a "strong and dedicated guild" of scientists devoted to the clean-up problem.

The programme, says Grumbly, will give both the US and the international research community the opportunity to participate in "closing [a] circle" which began with the development of the atomic bomb. Scientists outside the United States are, at least in theory, eligible to apply for the grants.

Grants will be available to investigators in chemistry, biology, geophysics and any other branches of science with potential relevance to the clean-up of the sprawling weapons complex. Problems to be dealt with include the characterization of nuclear waste, the *in situ* treatment of buried waste, the behaviour of plutonium and the implications of treatment on ecosystems.

An invitation for grant proposals published in the *Federal Register* on 9 February specifies that brief pre-applications need to be received by 28 February and full proposals by 8 May.

The programme is starting in a hurry — and a year earlier than the DoE had been planning — because John Myers (Republican, Indiana), chair of the House of Representatives appropriations subcommittee with jurisdiction over the department, forced the inclusion of the money in this year's appropriations bill.

Grumbly has long argued that scientific research should lead the clean-up process. Until now, however, no money has been devoted directly to it. The OEM spends \$80 million a year with universities, he says, but that money is intended to develop

existing clean-up technologies.

The Galvin Commission, which issued a scathing assessment of DoE laboratories last February (see *Nature* 373, 463; 1995), suggested that an annual \$400 million of the OEM's \$7 billion budget be transferred immediately to science and technology, rising to \$800 million later.

But the department is under constant pressure to produce immediate clean-up results, while keeping as many people as possible employed on the now-redundant nuclear weapons sites; 13,000 people, for example, work at the most heavily contaminated site at Hanford in Washington state.

Galvin also criticized the lack of scientific



expertise in Grumbly's office. The new programme will therefore be run in partnership with the DoE's Office of Energy Research (OER), which will help to organize the external peer review of grant applications.

Michelle Broido of OER says that grant applications from both university and DoE laboratory applicants will be peer reviewed "subject to the same criteria". But, under US law, the laboratories cannot compete with universities for the same money, and \$20 million will therefore be set aside for each group.

Grumbly says that the programme will "develop a community of scientists who will bridge the gap" between environmental scientists in the universities, who have traditionally been funded by the Environmental Protection Agency (EPA), and the nuclear scientists and engineers in the weapons complex who have recently turned their attention to the clean-up problem.

He adds that the science programme might take "8-10 years" to produce results applicable to clean-up. The National Academy of Sciences will be asked to evaluate the programme.

Colin Macilwain