Big business in body parts

Biotech firms make healthy profits from tissue sales. Why not the rest of us?
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ON THURSDAY, the biotech firm LifeCell Corp. announced its financial results for 2006. LifeCell's revenues — $140.6 million for the year, a 51% increase over 2005 — are testament to its remarkable technologies, including a revolutionary skin graft for burn victims. But there may be another reason for LifeCell's impressive numbers: The company uses human remains to manufacture its most profitable product, but it doesn't have to compensate the families of the dead.

Gruesome but true: LifeCell's "human-derived" skin graft, AlloDerm, is made by using real skin from donor corpses. The New Jersey company is making a fortune from dead Americans, but thanks to federal law, the company couldn't pay donors even if it wanted to. The National Organ Transplant Act of 1984 was enacted, in part, to prevent you and me from selling our body parts, which is seen as degrading and dangerous. Most medical ethicists continue to stand by that law, but they're ignoring the obvious: We can't sell ourselves, but others can.

Modern medicine has come to rely on a steady supply of products generated from the tissues of the dead. Organs are allocated to recipients by a medical bureaucracy, so there is no legal commercial market in them. But heart valves, tendons, ligaments and the like are all transplantable, and they all fetch a price. Osteotech Inc., another New Jersey company, grinds human bone into a putty used to patch small breaks. Skeletal grafts help cancer patients replace arm and leg bone lost because of illness. And it's not all borne of medical necessity. Ask your plastic surgeon for a pair of plumper lips, and you may get a shot of human-derived AlloDerm.

Body snatchers have been trading cadavers for cash for as long as anatomists have demanded them, but it's only recently that human remains could make one rich. Every day, biotechnology is driving up the value of your component parts. Low estimates put the present value of a single cadaver at $100,000. But in the current system, only someone else could get that money. The legal resale value of your body, to you, is precisely $0.

So how does a cadaver end up as lip filler? The American Assn. of Tissue Banks reports that about 25,000 generous Americans provide more than 1.5 million tissue grafts every year. The law allows tissue procurement organizations, which solicit donations and then distribute the cadaveric bounty to biotech companies, to charge a "reasonable fee" for processing and distributing the tissue. To the recipient at the end of the line, the replacement tissue appears to have popped up out of nowhere.

Donors, assured that they're providing the "gift of life," likely assume that the system is altruistic as they are. Tissue procurement organizations have a story they sell to donors, and it's one of medical miracles, not booming businesses. As the Ohio Department of Health explains on its donor recruitment website: "Through ....issue

Well, that's half the story, and here's the rest: Within the biotech world, miracles and business are one and the same. There is nothing inherently wrong with biotech companies reaping donated tissues. Think of it this way: The Salvation Army hardly a bastion of greed — sells donated secondhand clothes. Resale is often the best way to get donations to people who need them.

Then again, if you decide to skip the donation bin and sell your outdated suit on your own terms, no politician will stop you. The same should be true for tissue. But federal law has one set of rules for tissue donors and another for businesses.

Saner rules would treat the human body as the increasingly valuable property it is, allowing potential donors to will the value of their bodies as they do the rest of their assets. At the very least, donors should know they're giving to a system that will sell their parts, not a charity that funnels them to those in need.

The major objection to normalizing the tissue trade is already moot. Ethicists and policymakers worry that letting donors (or more precisely their heirs) profit from the market would encourage predatory behavior. But we’ve seen that behavior — from tissue procurement organizations looking to make a buck within the shadows of a gray market. Recent body-snatching scandals demonstrate the dangers of keeping this trade underground. In a transparent and regulated tissue market, plundering bodies would be harder — not easier — to do.

There is something inherently disturbing about slapping a price tag on a pelvis. But the question of whether it’s right or wrong to sell human tissue has already passed us by. We’re knee-deep in the body bazaar, and the only remaining question is whether individuals or corporations will set the terms of trade.