

**California Health and Safety Code
California Air Resources Board
Scientific Review Panel on Toxic Air Contaminants**

<http://caselaw.lp.findlaw.com/cacodes/hsc.html>

CALIFORNIA HEALTH AND SAFETY CODE TABLE OF CONTENTS

DIVISION 26. AIR RESOURCES PART 2. STATE AIR RESOURCES BOARD

<http://caselaw.lp.findlaw.com/cacodes/hsc/39500.html>

HEALTH AND SAFETY CODE SECTION 39500

39500. It is the intent of the Legislature that the State Air Resources Board shall have the responsibility, except as otherwise provided in this division, for control of emissions from motor vehicles and shall coordinate, encourage, and review the efforts of all levels of government as they affect air quality.

<http://caselaw.lp.findlaw.com/cacodes/hsc/39650.html>

HEALTH AND SAFETY CODE SECTION 39650

39650. The Legislature finds and declares the following:

- (a) That public health, safety, and welfare may be endangered by the emission into the ambient air of substances which are determined to be carcinogenic, teratogenic, mutagenic, or otherwise toxic or injurious to humans.
- (b) That persons residing in California may be exposed to a multiplicity of toxic air contaminants from numerous sources which may act cumulatively to produce adverse effects, and that this phenomenon should be taken into account when evaluating the health effects of individual compounds.
- (c) That it is the public policy of the state that emissions of toxic air contaminants should be controlled to levels which prevent harm to the public health.

<http://caselaw.lp.findlaw.com/cacodes/hsc/39660-39664.html>

HEALTH AND SAFETY CODE SECTION 39660-39664

39660. (a) Upon the request of the state board, the office, in consultation with and with the participation of the state board, shall evaluate the health effects of and prepare recommendations regarding substances, other than pesticides in their pesticidal use, which may be or are emitted into the ambient air of California and that may be determined to be toxic air contaminants.

39662. (e) Any person may petition the state board to review a determination made pursuant to this section. The petition shall specify the additional scientific evidence regarding the health effects of a substance which was not available at the time the original determination was made and any other evidence which would justify a revised determination.

<http://caselaw.lp.findlaw.com/cacodes/hsc/39670-39671.html>

HEALTH AND SAFETY CODE SECTION 39670-39671

39670.

(a) A nine-member Scientific Review Panel on Toxic Air Contaminants shall be appointed to advise the state board and the Department of Pesticide Regulation in their evaluation of the health effects toxicity of

substances pursuant to Article 3 (commencing with Section 39660) of this chapter and Article 1.5 (commencing with Section 14021) of Chapter 3 of Division 7 of the Food and Agricultural Code.

(b) The members of the panel shall be highly qualified and professionally active or engaged in the conduct of scientific research, and shall be appointed as follows, subject to Section 39671, for a term of three years:

(1) Five members shall be appointed by the Secretary for Environmental Protection, one of whom shall be qualified as a pathologist, one of whom shall be qualified as an oncologist, one of whom shall be qualified as an epidemiologist, one of whom shall be qualified as an atmospheric scientist, and one of whom shall have relevant scientific experience and shall be experienced in the operation of scientific review or advisory bodies.

(2) Two members shall be appointed by the Senate Committee on Rules, one of whom shall be qualified as a biostatistician and one of whom shall be a physician or scientist specializing in occupational medicine.

(3) Two members shall be appointed by the Speaker of the Assembly, one of whom shall be qualified as a toxicologist and one of whom shall be qualified as a biochemist or molecular biologist.

(4) Members of the panel shall be appointed from a pool of nominees submitted to each appointing body by the President of the University of California. The pool shall include, at a minimum, three nominees for each discipline represented on the panel, and shall include only individuals who hold, or have held, academic or equivalent appointments at universities and their affiliates in California.

(c) The Secretary for Environmental Protection shall appoint a member of the panel to serve as chairperson.

(d) The panel may utilize special consultants or establish ad hoc committees, which may include other scientists, to assist it in performing its functions.

(e) Members of the panel, and any ad hoc committee established by the panel, shall submit annually a financial disclosure statement that includes a listing of income received within the preceding three years, including investments, grants, and consulting fees derived from individuals or businesses which might be affected by regulatory actions undertaken by the state board or districts pursuant to this chapter. The financial disclosure statements submitted pursuant to this subdivision are public information. Members of the panel shall be subject to the disqualification requirements of Section 87100 of the Government Code.

(f) Members of the panel shall receive one hundred dollars (\$100) per day for attending panel meetings and meetings of the state board, or upon authorization of the chairperson of the state board while on official business of the panel, and shall be reimbursed for actual and necessary travel expenses incurred in the performance of their duties.

(g) The state board and the office, and, in the case of economic poisons, the Department of Pesticide Regulation, shall provide sufficient resources for support of the panel, including technical, administrative, and clerical support, which shall include, but not be limited to, office facilities and staff sufficient for the maintenance of files, scheduling of meetings, arrangement of travel accommodations, and preparation of panel findings, as required by subdivision (b) of Section 39661.

39671. The terms of the members of the Scientific Review Panel on Toxic Air Contaminants appointed pursuant to subdivision (b) of Section 39670 shall be staggered so that the terms of three members expire each year.

Subject: CARB Scientific Review Panel

Date: Thu, 21 Feb 2008 11:24:03 -0800

From: "Robert Dynes" <Robert.Dynes@ucop.edu>

To: <jenstrom@ucla.edu>

Dear Jim:

Just a note to follow up on our phone conversation and your e-mail of January 23. As you suggested, my office reviewed the process by which scientists are appointed to the legislatively-established Scientific Review Panel (SRP) that advises the California Air Resources Board (CARB). While you are correct that some SRP members do appear to have served for more than the three-year term specified by statute, we learned from the CARB officials that it is up to the appointing authorities (the Secretary of Cal/EPA, the Speaker of the Assembly, and the Senate Rules Committee) to appoint new members, and that in some cases those authorities have chosen to allow existing members to continue to serve.

While the appointing authorities must select SRP members from among a pool of nominations provided by the UC President, it is not up to UC to determine whether existing members may continue to serve. The nomination process is coordinated by CARB staff, who serve as a liaison with appointing officials, and who notify my office when there is a need for new or updated nominations. In our recent conversation with CARB staff, we reiterated that my office stands ready to provide new or updated recommendations of scientists qualified to serve on CARB in any of the specified fields set out in statute.

I hope this information helps answer some of the questions you may have had about the process.

Sincerely,

Bob

Following the June 4, 2008 Senate Rules Committee testimony by James E. Enstrom regarding CARB Chair Mary Nichols, this article appeared in the June 13, 2008 **Inside Cal/EPA** (first two paragraphs): http://environmentalnewsstand.com/epanewsstand_nletters.asp?NLN=calepa&ACTION=recent

UNIVERSITY PROFESSORS CHARGE CAL/EPA SCIENCE PANEL SKIRTS LAW

Greg Hyatt June 13, 2008 **Inside Cal/EPA**-- An exclusive weekly report on environmental legislation, regulation, and litigation

Several California university professors are contending Cal/EPA's scientific review panel (SRP) appointment process is violating the law by excluding certain candidates from consideration and allowing members to serve for too long. Some of these professors, who have clashed in the past with SRP members, say they plan to press lawmakers and Cal/EPA officials to begin enforcing SRP term limits and opening the panel to new blood.

The new questions about the science panel's appointment process could spark controversy if changes are proposed, because the panel's opinions often drive Cal/EPA agencies -- especially the Air Resources Board -- to develop aggressive regulations to protect public health.

Pursuant to the section 39670 of the Health and Safety Code, nine members are shown by category below. The last line for each member shows their appointing body and the beginning and ending dates of their service as members.

-ACADEMIC ADMINISTRATION-

S. Katharine Hammond, Ph.D.

Chair, Environmental Health Sciences Division
School of Public Health
University of California
Berkeley, California 94720-7360
Governor, Cal EPA **2003 to Unknown**

-OCCUPATIONAL MEDICINE-

Paul D. Blanc, M.D.

Chief, Division of Occupational and
Environmental Medicine
University of California, San Francisco
San Francisco, California 94143-0924
Senate Rules Committee **1997 to 1/1/2009**

-ATMOSPHERIC SCIENCE-

Roger Atkinson, Ph.D.

Director, Air Pollution Research Center
University of California, Riverside
210 Fawcett Laboratory
Riverside, California 92521
Governor, Cal EPA **1999 to Unknown**

-ONCOLOGY-

Joseph R. Landolph, Ph.D.

Associate Professor
Molecular Microbiology and Immunology, Pathology
Keck School of Medicine
University of Southern California
Los Angeles, California 90031
Governor, Cal EPA **2003 to Unknown**

-BIOCHEMISTRY/MOLECULAR BIOLOGY-

Craig V. Byus, Ph.D.

Dean, Department of Biomedical Science
Professor of Biomedical Science
and Biochemistry
University of California, Riverside
Riverside, California 92521
Assembly Speaker **≤1991 to 1/1/2008?**

-PATHOLOGY-

Charles G. Plopper, Ph.D.

Professor, Department of Anatomy, Physiology
and Cell Biology
School of Veterinary Medicine
University of California, Davis
Davis, California 95616
Cal EPA **2004 to Unknown** **Governor,**

-BIostatISTICS-

Stanton A. Glantz, Ph.D.

Professor of Medicine
University of California, San Francisco
San Francisco, California 94143-1390
Rules Committee **1986 to 1/1/2011**

-TOXICOLOGY-

John R. Froines, Ph.D., Chairman

Director, Center of Occupational and
Environmental Health
Senate School of Public Health CHS 21-293
University of California, Los Angeles
Los Angeles, California 90095-1772
Assembly Speaker **≤1986 to 1/1/2009**

-EPIDEMIOLOGY-

Gary D. Friedman, M.D.

Consulting Professor
Division of Epidemiology
Department of Health Research & Policy
Stanford University School of Medicine
Stanford, California 94305-5405
Governor, Cal EPA **≤1991 to Unknown**