

From: James E. Enstrom <jenstrom@ucla.edu>
Sent: Thursday, March 3, 2022 1:45 PM
To: Kimberly Cox-York <Kimberly.Cox-York@colostate.edu>
Cc: Jennifer L. Peel <Jennifer.Peel@ColoState.EDU>
Subject: Allegation of Research Misconduct by CSU Professor Jennifer L. Peel

March 3, 2022

Kimberly Cox-York, PhD
Research Integrity Officer (RIO)
Colorado State University (CSU)
[https://www.research.colostate.edu/ricro/rcr/research-misconduct/
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Re: Allegation of Research Misconduct by CSU Professor Jennifer L. Peel

Dear Research Integrity Officer Cox-York,

I alleging Research Misconduct and Research-Related Misconduct by CSU Professor of Epidemiology Jennifer L. Peel (Peel) (<https://vetmedbiosci.colostate.edu/erhs/directory/member/?id=3558>) based on the CSU **Research Misconduct & Research-related Misconduct Policy** (<http://policylibrary.colostate.edu/policy.aspx?id=587>). This letter will focus on my allegation of Research-Related Misconduct, which involves “**reviewing research** or reporting research results while **6. Failing to promptly disclose (a) actual or potential . . . conflicts of interest**”. Separately, I will present details on my allegation of Research Misconduct (Falsification), which involves “**omitting data or results such that the . . . data or results are not accurately represented in the research record.**”

My allegation of Research-Related Misconduct is Peel’s failure to disclose actual or potential conflicts of interest in connection with her current service on the Biden EPA CASAC Particulate Matter (PM) Panel (https://casac.epa.gov/ords/sab/f?p=105:14:15824296385893:::14:P14_COMMITTEEON:2021%20CASA%20PM%20Panel). Peel has received EPA funding since 2002 (https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.investigatorInfo/investigator/6877) . Peel has co-authored five PM2.5-related articles since 1994 with Biden EPA CASAC Chair Lianne Sheppard (<https://pubmed.ncbi.nlm.nih.gov/?term=sheppard+peel>). Peel is a member of the Health Effects Institute (HEI) Review Committee (<https://www.healtheffects.org/about/review-committee>), which reviewed and approved the January 26, 2022 HEI Research Report 211, which claims that PM2.5 likely *causes* death (https://www.healtheffects.org/system/files/dominici-rr-211-report_1.pdf). Peel has received NIEHS funding and is an Associate Editor of the NIEHS Journal *Environmental Health Perspectives* (EHP) (<https://ehp.niehs.nih.gov/about-ehp/editorial-boards/associate>). EHP refuses to publish null findings regarding PM2.5 deaths, including my own findings. Additional details on Peel’s conflicts of interest can be provided.

Peel’s service on the CASAC PM Panel is severely impaired because her conflicts of interest have made it impossible for her to objectively assess the research record relevant to the PM2.5 NAAQS, an air pollution standard that underlies several multi-billion dollar EPA regulations. Her lack of objectivity became obvious as of the November 17, 2021-December 2, 2021 CASAC PM Panel Public Meetings

(https://casac.epa.gov/ords/sab/f?p=105:19:15763176931927::RP,19:P19_ID:962). Peel totally ignored the November 17, 2021 verbal criticism of the 2021 EPA PM Integrated Science Assessment (ISA) Supplement and PM Policy Assessment (PA) by me and others (https://www.youtube.com/watch?v=P6OhZaaexv8&ab_channel=SamuelDelk). Also, Peel totally ignored my 36-pages of December 10, 2021 written evidence that there is NO proof that PM2.5 *causes* death and NO scientific or public health justification for tightening the PM2.5 NAAQS (<http://scientificintegrityinstitute.org/PMPanel121021.pdf>). Instead of addressing the evidence by me and others, Peel voted to tighten the annual PM2.5 NAAQS from 12 $\mu\text{g}/\text{m}^3$ to 8-10 $\mu\text{g}/\text{m}^3$.

Furthermore, Peel did not recommend that EPA make changes in the PM ISA Supplement and the PM PA in response to public criticism. Instead, the February 4, 2022 EPA CASAC PM Panel Letter supported the PM PA and Peel made the following statement on page A-76, lines 32-36: “Based on a robust and comprehensive evaluation of the literature, the draft PA presents a clear evaluation of relationship between new concentrations reported in epidemiologic and the annual PM2.5 design values. Section 3.3 presents the relevant evidence regarding the entire body of literature of the health effects of PM2.5 relevant for this consideration.”

(https://casac.epa.gov/ords/sab/apex_util.get_blob?s=5062483298491&a=105&c=13113392902739068&p=19&k1=399&k2=&ck=vFCIf_cof_5DD5_O0mXUCn6fYA2E1U-NQeoFIOPXkq-zv0H3wipteWBg4twM0ejB5Z51hvsQ8ubE05PJuel9sQ&rt=IR). Apparently, Peel does not acknowledge the massive evidence that the PM PA is NOT “a robust and comprehensive evaluation of the literature.”

At the February 25, 2022-March 4, 2022 CASAC PM Panel Public Meetings (https://casac.epa.gov/ords/sab/f?p=105:19:5062483298491::RP,19:P19_ID:966), I made the following February 25, 2022 verbal comment: “I have 50 years of experience in conducting epidemiologic cohort studies and I have published important peer-reviewed PM2.5 death findings based on ACS CPS I and CPS II cohort data. The February 4 PM Panel letters do not address the detailed public criticism of the 2021 PM ISA Supplement and PM PA. The EPA staff has made NO changes in these documents in response to this criticism. In particular, they ignored Richard Smith’s evidence of NO PM2.5 deaths below 12 $\mu\text{g}/\text{m}^3$ and my 36 pages of evidence that PM2.5 DOES NOT *cause* premature deaths in the US. The recommendations of the PM Panel and EPA staff to tighten the PM2.5 NAAQS are based on a deliberately falsified research record regarding PM2.5-related deaths. Falsification is serious scientific misconduct as defined in the January 11 White House OSTP Scientific Integrity Task Force Report (<https://www.whitehouse.gov/ostp/news-updates/2022/01/11/white-house-office-of-science-technology-policy-releases-scientific-integrity-task-force-report/>). Thus, I request that Jennifer Peel, with a PhD in Epidemiology, confirm that the PM PA is “a robust and comprehensive evaluation of the epidemiologic literature” and that public comments like mine do not alter her evaluation. There is NO scientific or public health justification for tightening the PM2.5 NAAQS because there is no etiologic mechanism by which inhaling about 100 μg of PM2.5 per day can cause death and the US already has a very low average PM2.5 level of 7 $\mu\text{g}/\text{m}^3$ whereas our competitor China has a very high level of 48 $\mu\text{g}/\text{m}^3$. Indeed, there are adverse public health, welfare, social, economic, and energy effects associated with tightening the PM2.5 NAAQS. This tightening will hurt America at a time when it is facing military and economic dangers from Russia and China, as well as rapidly increasing energy costs. Finally, I strongly support the ongoing Young and Cox v. EPA lawsuit because the Biden CASAC and its PM Panel are illegally constituted and in gross violation of the Federal Advisory Committee Act. The current misguided effort to tighten the PM2.5 NAAQS must be stopped.”

All twenty of the February 25, 2022 public comments can be viewed at the beginning of the EPA CASAC Webcast YouTube (<https://www.youtube.com/watch?v=ZkMsBXwyenw>). My comment begins at

minute 17 and the last comment ends at minute 83. The PM Panel had NO response to any of the public comments and it appeared that they did not even listen to the comments. In particular, Peel did not respond to my request that she confirm that the PM PA is “a robust and comprehensive evaluation of the epidemiologic literature” and that public comments like mine do not alter her evaluation. A response from Peel is particularly important because she is the only one of the 22 panel members who has a PhD degree in epidemiology, the public health discipline most relevant to the PM2.5 death evidence under review. Presumably, she understands the methodology, limitations, and ethics of epidemiology better than the other PM Panel Members.

Before I file a formal Research Misconduct complaint against Peel, I request that you ask her to participate in a Zoom Meeting with you and me in order to address my above allegations. Ideally, I would like to include former EPA SAB Member S. Stanley Young, PhD, and former EPA CASAC Chair L. Anthony Cox, PhD, in this Zoom Meeting. Drs. Young and Cox are Plaintiffs in an ongoing lawsuit against EPA CASAC and its PM Panel because of its violation of the Federal Advisory Committee Act (FACA) (<https://junkscience.com/2021/10/former-casac-chair-added-as-plaintiff-in-young-v-epa/>). FACA has two fundamental requirements for an advisory committee: (1) membership must be “fairly balanced in terms of the points of view represented” and (2) the agency [EPA] must adopt “appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority [EPA] or by any special interest, but will instead be the result of the advisory committee’s independent judgment.”

Thank you very much for your timely consideration and assistance regarding this important matter.

Sincerely yours,

James E. Enstrom, PhD, MPH, FFACE
Retired UCLA Research Professor (Epidemiology)
President, Scientific Integrity Institute
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cc: Jennifer L. Peel, PhD <jennifer.peel@colostate.edu>

From: **Geoffrey Kabat** <gckabat@gmail.com>
Date: Thu, Mar 10, 2022 at 7:13 PM
Subject: Allegation of Research Misconduct by CSU Professor Jennifer L. Peel
To: <kimberly.cox-york@colostate.edu>

March 10, 2022

Kimberly Cox-York, PhD
Research Integrity Officer
Colorado State University

Re: Allegation of Research Misconduct by CSU Professor Jennifer L. Peel

Dear Dr. Cox-York,

I am an epidemiologist and have been on the faculty of the Albert Einstein College of Medicine and the Stony Brook School of Medicine as well as holding other positions. (I am retired as of 2018). In addition to over [150 peer-reviewed articles](#), I have written for the general public regarding questions involving putative health risks and how to assess the relevant scientific evidence, in venues including Forbes, Slate, Issues in Science and Technology, and the Genetic Literacy Project. I have also written two books published by Columbia University Press about environmental health risks ([here](#) and [here](#)) and how, on certain prominent questions, epidemiology has been used to make erroneous claims that various environmental factors play an important role in specific diseases. Most recently, I have published [numerous popular articles](#) on glyphosate as well as [a peer-reviewed meta-analysis](#) showing in detail how this useful herbicide has been subjected to an “availability cascade” which highlights the results of selected low-quality studies, while ignoring the results of the highest-quality studies, as well as the fact that, [17 national and international health agencies have found the product to be safe and not carcinogenic](#).

I am writing to support Dr. James E. Enstrom’s March 3, 2022 Allegation of Research Misconduct by CSU Professor Jennifer L. Peel. I have been an epidemiologic colleague of Dr. Enstrom for at least 40 years and believe that there is tremendous merit in his allegation, which I have carefully read. I have also read the CSU Research Misconduct & Research-Related Misconduct Policy. Dr. Enstrom has documented that Dr. Peel has many serious conflicts-of-interest regarding her service on the current EPA CASAC PM Panel. These serious conflicts should have disqualified her for service on the PM Panel as per the requirements of the Federal Advisory Committee Act and the CSU Research-Related Misconduct Policy. Indeed, there is an ongoing Federal lawsuit that the current EPA CASAC and its PM Panel are not legally constituted because of violations of the Federal Advisory Committee Act.

In addition, Dr. Enstrom has fully documented that Dr. Peel does not acknowledge the massive evidence that the 2021 EPA Particulate Matter Policy Assessment is NOT “a robust and comprehensive evaluation of the literature.” In particular, Dr. Peel does not acknowledge the detailed evidence in Dr. Enstrom’s December 10, 2021 written comments to the EPA CASAC PM Panel that PM2.5 does not cause death and that there is no scientific or public health justification for tightening the PM2.5 NAAQS. Indeed, the prior EPA CASAC and prior EPA Administrator as of December 2020 concluded that the PM2.5 NAAQS should not be tightened.

Finally, I believe that Dr. Peel's research integrity is compromised because she has been a close colleague of the current EPA CASAC Chair Lianne Sheppard since 1994. I have challenged the research integrity and objectivity of Dr. Sheppard regarding her research relating glyphosate to cancer. Please examine my detailed evidence challenging the integrity of Dr. Sheppard: particularly, [here](#), [here](#), and [here](#). Both Dr. Peel and Dr. Sheppard are distorting the health risks of PM2.5 and are hurting the research integrity of epidemiology.

Please let me know if you want additional details from me in support of Dr. Enstrom's Allegation of Research Misconduct by Dr. Peel.

Thank you very much for your consideration.

Sincerely,

Geoffrey Kabat, Ph.D., M.S.
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March 11, 2022

Dear Dr. Enstrom.

Thank you for contacting the Colorado State University (CSU) Research Integrity Office with your concerns about Dr. Peel's service on the Environmental Protective Agency Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Panel. It is important that scientists and citizens alike engage in public discourse about these important matters, and CSU takes seriously our part in that discourse.

Per the CSU Research Misconduct and Research-related Misconduct Policy, the Research Integrity Officer will assess allegations of Research Misconduct and Research-related Misconduct determine whether or not they fit the definitions outlined, to merit progression into the pre-inquiry phase. As defined in our policy, Research Misconduct and Research-related Misconduct 'does not include honest error or difference of opinion'. Therefore, my assessment of your concerns and the conditions surrounding Dr. Peel's research and her service on the CASAC, is that **your allegation does not meet the definition of Research Misconduct or Research-related Misconduct.**

As I'm sure you are aware, panelists on EPA committees are selected for their expertise and undergo special ethics training and detailed vetting for any real or perceived conflicts of interest. Dr. Peel went through these processes and was cleared for her service on the CASAC.

Colorado State University Policies:

It is important and expected for academic scientists to participate in public service. Indeed, it is the mission of CSU and land-grant institutions writ large to engage in this type of activity. This expectation is documented in the CSU Faculty Manual, and it is in this capacity that Dr. Peel serves on the CASAC Panel.

E.12.3.6 Other Types of Service

3. Public service. As faculty members advance through the professorial ranks, they are expected to exhibit an increasing record of service in their dossier of performance. Recognition is given to service that fulfills the public mission of the University, such as involvement in community organizations and service to governmental agencies at the local, state and national level, and to professional associations at the local, national, and international level.

While I offered the potential of facilitating a meeting between you and Dr. Peel, I am declining to do so, based on my assessment of your concerns. While I believe open dialog is important in general, in this instance, your concerns are not appropriately directed toward a single investigator. The CSU Faculty Manual outlines the academic freedoms afforded our faculty members and the role of administration in promoting and preserving these freedoms of faculty, per the excerpts below. There are several other ways to engage in this discourse, including public comment periods, scientific conferences, scientific journals and the like.

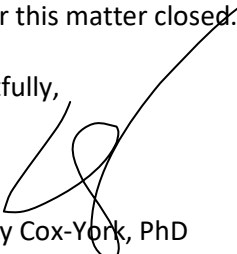
The faculty member is entitled to freedom of research within the confines of the stated conditions or agreements with the institution and/or contract or proposal parameters, if applicable. This freedom extends to publication of results.

The freedoms granted by the First Amendment to the Constitution of the United States are applicable to the faculty member, both as an academician and as a citizen.

The major purpose of the University Administration is to provide an atmosphere conducive to teaching, research, extension, and service. Administrators, therefore, must protect, defend, and promote academic freedom as a necessary prelude to the free search for and exposition of truth and understanding.

Thank you for raising your concerns with the Colorado State University Research Integrity Office. We consider this matter closed.

Respectfully,



Kimberly Cox-York, PhD
Research Integrity Officer
Colorado State University