

Subject: Important Request re EPA California Waiver & NAAQS Review  
Date: Wed, 25 Apr 2018 17:05:29 -0700  
From: James E. Enstrom <jenstrom@ucla.edu>  
To: 'Ann E. Carlson' <carlson@law.ucla.edu>

April 25, 2018

Professor Ann E. Carlson

Environmental Law Faculty

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Dear Professor Carlson,

I am writing you and other UCLA Environmental Law Faculty (ELF) members because you are quoted in the March 28 The Hill article “Trump administration picks new fight with California” (<http://thehill.com/policy/energy-environment/380693-trump-administration-picks-new-fight-with-california>): Carlson expects California to sue if the EPA revokes its waiver, and the case is likely to get appealed all the way to the Supreme Court. ‘The really important substantive question is, does California have ‘compelling and extraordinary circumstances’ to issue standards that are more stringent than the federal government’s,” she said.

The answer to your question is NO, California does NOT have the ‘compelling and extraordinary circumstances’ for continuation of the California waiver. California is one of the healthiest areas in the US and does not have current environmental status that warrant a waiver. The healthiness and environmental status of California is not accurately reflected in the December 2012 Vision 2021 LA: A Model Environmental Sustainability Agenda for Los Angeles’ Next Mayor and City Council”, which was written by ELF members. For instance, the section on Air Quality (pages 28-32) contains many gross errors and misstatements, such as, “In California, harmful air pollutants are responsible for an estimated 19,000 annual premature deaths, 280,000 annual cases of asthma symptoms, 1.9 million annual lost work days, and more than 1 million respiratory-related school absences every year<sup>70</sup>. Los Angeles has the highest estimated rate of air quality related premature death in the state, representing nearly ten percent of all premature deaths<sup>71</sup>. . . . Although Los Angeles has made great strides in improving air quality over the past decades, it is still ranked as one of the most polluted cities in the country for ozone smog and particulate pollution<sup>69</sup>.” Reference 69 (American Lung Association State of the Air), Reference 70 (L.A. Collaborative for Environmental Health and Justice), and Reference 71 (Bernice Yeung of CAL Watch) are not reliable and objective sources of information, as I can easily document. Additional errors and misstatements exist throughout Vision 2021 LA.

The worst misstatements by an ELF member have been made by Professor and CARB Chair Mary D. Nichols. For instance, the April 12, 2018 Presidential Memorandum for the

Administrator of the Environmental Protection Agency proposes review of EPA National Ambient Air Quality Standards (<https://www.whitehouse.gov/presidential-actions/presidential-memorandum-administrator-environmental-protection-agency/>). In response, the April 13, 2018 CARB News Release #18-22, “CARB Chair warns latest Trump effort to “review” air quality rules may put all Americans’ health at risk” (<https://ww2.arb.ca.gov/news/carb-chair-warns-latest-trump-effort-review-air-quality-rules-may-put-all-americans-health>), consists of numerous false and misleading statements: “This order caves to a minority of industries who claim Clean Air Act standards are too strict, too costly and too burdensome,” said the CARB chair. “The truth is a large body of research shows the Clean Air Act dramatically improves public health, especially among our most vulnerable populations. The consequences of inaction are irresponsible – unhealthy people, shortened lives, and greater demands on our health care system.”

Most of this “large body of research” is invalid, as explained in the April 18, 2018 Orange County Register Editorial by Susan Shelley “With air-quality standards, is the cure worse than the disease?” (<https://www.ocregister.com/2018/04/17/with-air-quality-standards-is-the-cure-worse-than-the-disease/>). Furthermore, much of this “large body of research” is based on ‘secret science’ research that is not transparent or reproducible. Indeed, EPA is proposing to end the use of ‘secret science’ in establishing its standards and regulations, as explained in the April 24, 2018 JunkScience.com post “Scott Pruitt proposes to end junk science via transparency at EPA” (<https://junkscience.com/2018/04/yuge-scott-pruitt-proposes-to-end-junk-science-via-transparency-at-epa/>).

You and other ELF members must assess the above items very carefully. I certainly hope that all of you will oppose any effort by CARB and/or the California Attorney General to sue if EPA revokes the California waiver and/or if EPA makes the NAAQS less restrictive. Please let me know if any of you will discuss this very serious issue with me.

Thank you very much for your consideration.

Sincerely yours,

James E. Enstrom, PhD, MPH, FFACE

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