



P.O. Box 277517, Sacramento, CA 95827
Phone (916) 364-0292 FAX (916) 364-7641

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Via Federal Express

Mr. Scott Pruitt
EPA Administrator
United States Environmental Protection Agency
EPA Headquarters
Mail Code 1101A
William Jefferson Clinton Building (North)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Support for Proposed EPA Rule "Strengthening Transparency in Regulatory Science"

Dear Administrator Pruitt:

"Particulate Air Pollution as a Predictor of Mortality in a Prospective Study of U.S. Adults" is the 1995 study that was most responsible for the establishment by EPA of the fine particulate matter (PM2.5) National Ambient Air Quality Standard (NAAQS) in 1997, justified by the claim that PM2.5 causes premature deaths. This PM2.5 NAAQS set in motion a severely flawed regulatory process by EPA and the California Air Resources Board (CARB) that led to stringent PM2.5 regulations in California and the United States. One of these regulations is the 2008 CARB Truck and Bus Regulation, which was designed to reduce the diesel particulate matter component of PM2.5. EPA and CARB ignored strong protests from many experts that the 1995 PM2.5 study and other related 'secret science' studies were severely flawed and did not provide a valid public health justification for costly PM2.5 regulations, especially diesel PM regulations. Impacted businessmen like me provided evidence from vast personal experience that further challenged the validity of the PM2.5 regulations, particularly their retroactive application to legally purchased diesel vehicles and equipment.

Dr. James Enstrom, an accomplished environmental epidemiologist with a long career at the UCLA School of Public Health, recently obtained a valid version of the 1982 American Cancer Society Cancer Prevention Study (CPS II) data used in the 1995 study cited above. His independent reanalysis, which was published in a March 28, 2017 peer-reviewed article, "Fine Particulate Matter and Total Mortality in Cancer Prevention Study Cohort Reanalysis," found that PM2.5 was not causally associated with premature deaths. His evidence challenges the validity of the 1995 study and the 1997 PM2.5 NAAQS. His reanalysis demonstrates the importance of the proposed EPA Rule "Strengthening Transparency in Regulatory Science."

Consequences:

Facing bankruptcy of my 73 year family business due to the imposition that I must replace all of my previously owned and once legal diesel "assets" with new, I closed my doors in June, 2017. Applications to CARB for assistance in purchasing replacement equipment were denied due to the fact that I did not acquire enough annual hours or miles on my equipment to qualify for State assistance. My equipment was sold at auction and employees ranging to 40 years with me lost their jobs. I wrote prior EPA Administrations in 2010 and 2012 of the potential

consequences of excessive PM regulation to my firm and thousands like mine but was unanswered and obviously ignored. The EPA granted CARB the waiver of preemption requested.

Air Pollution Studies:

A serious medical investigation on air pollution would require at a minimum:

1. A biologically plausible toxicity mechanism—how does the toxin cause death or disease, and reliable data on exposure.
2. An appropriate endpoint, which could be death if it is determined to be really premature (impossible to do with observational population studies),
3. An adequate size association to get past the confounders in an observational population study.

No such study exists on airborne PM2.5 in the United States.

Five Cigarettes:

An October 2003 study published in the American Medical Association's Archives of Internal Medicine stated that the risk of sudden death among those who smoked as long as 10 years was zero. The EPA also says smoking a single cigarette can expose a smoker to 10,000 to 40,000 micrograms of PM2.5.

The amount of air inhaled by an adult breathing at rest is about 10 cubic meters per day or about 292,000 cubic meters over an 80-year life span (10 x 365 x 80). The amount of PM2.5 inhaled at the approximate current ambient level in California of 15 $\mu\text{g}/\text{m}^3$ is about 4.38 grams in 80 years (292,000 x 15/1,000,000). According to the CARB, ambient diesel PM2.5 is 5% of the total airborne PM2.5, resulting in about 0.22 grams inhaled in 80 years (4.38 x .05), which is near the amount of PM2.5 that could be inhaled from smoking only five cigarettes (5 x 40,000/1,000,000). I was smoking two packs a day when I quit 50 years ago. Based on just common sense, these low levels of inhaled PM2.5 from diesel engines are not sufficient to kill anyone in California.

But the resultant regulations based upon secret studies were enough to put my company out of business; all to prevent a public exposure of PM2.5 equivalent to five cigarettes spread over 80 years.

Conclusion:

I strongly support the EPA Transparency Rule. Additional details in support of this rule and the need for EPA to base its regulations on transparent and verifiable data is contained in the attached November 9, 2017 Texas Public Policy Foundation "Petition in the Matter of National Ambient Air Quality Standards for Particulate Matter." My former business, Delta Construction Company, Inc., is the lead petitioner in this document

Sincerely yours,



Norman R. 'Skip' Brown, owner
Delta Construction Company, Inc.
Asphalt Consulting Services, LLC
SkipBrown@asphaltconsultingservices.com
916-761-1817