

Lack of AQMD Integrity Reinforces Need for CARB Research on California SIPs

James E. Enstrom, Ph.D., M.P.H.
University of California, Los Angeles
Los Angeles, CA 90095-1772
[http://scientificintegrityinstitute.org/
jenstrom@ucla.edu](http://scientificintegrityinstitute.org/jenstrom@ucla.edu)

March 20, 2013

On January 31, 2012 I submitted Research Concept 228 “Reassessment of California State Implementation Plans for Criteria Pollutants” to the CARB Research Concept Solicitation for 2012-13, but it was not included in the CARB Annual Research Plan, Fiscal Year 2012-13 (http://www.arb.ca.gov/research/apr/plan/fy12-13/2012-13_arb_annual_research_plan.pdf).

My proposed research would provide an important new reassessment of the California SIPs based on the latest California-specific evidence regarding the health effects of criteria pollutants. In addition, it would help resolve the existing controversy about PM_{2.5} and premature deaths in California. This controversy was presented and discussed in detail at the February 26, 2010 CARB Symposium “Estimating Premature Deaths from Long-term Exposure to PM_{2.5}” (http://www.arb.ca.gov/research/health/pm-mort/pm-mort-ws_02-26-10.htm). It was further discussed at my November 28, 2011 UCLA Institute of the Environment and Sustainability Seminar (<http://www.environment.ucla.edu/calendar/showevent.asp?eventid=667>).

Because of the various ways that the relationship between PM_{2.5} and mortality in California has been portrayed during the past several years by CARB, it is very important to obtain new, rigorous, detailed, and transparent results using the two large and accessible data bases, such as, those that I proposed. Also, it is important to obtain similar results specific to California for the relationship to mortality of the other criteria pollutants: ozone, PM₁₀, carbon monoxide, sulfur dioxide, and nitrogen dioxide. This proposed research is quite timely given the recent tightening of the PM_{2.5} National Ambient Air Quality Standard by the US Environmental Protection Agency (<http://www.epa.gov/airquality/particlepollution/actions.html#dec12>). My research would be an important contribution to the epidemiologic evidence relating criteria pollutants to mortality in both California and the United States.

Given the improved air quality in California in recent years and given the substantial new California-specific epidemiologic evidence showing minimal mortality effects of criteria air pollutants, it is important to reassess the California State Implementation Plans (SIP) for particulate matter, ozone, and carbon monoxide (<http://www.arb.ca.gov/planning/sip/sip.htm>). The reassessment is particularly important for PM_{2.5} (http://www.arb.ca.gov/lists/sip2011/3-carb_enstrom_comments_on_sip_for_pm2.5_042711.pdf). There is now overwhelming evidence from 11 separate analyses of 5 cohorts that there is NO relationship between PM_{2.5} and total mortality in California. My September 28, 2012 American Statistical Association paper, summarizes epidemiologic evidence from 26 doctoral level scientists showing no relationship between PM and total mortality (“premature death”) in California. (<http://www.scientificintegrityinstitute.org/ASAS092812.pdf>).

In addition, there are serious problems with the national evidence regarding PM_{2.5} health effects. A November 15, 2011 letter by Congressmen Andy Harris and Paul Broun describes the flawed PM_{2.5} science and flawed cost-benefit analyses that are based on this flawed science (<http://science.house.gov/press-release/harris-and-broun-question-administration%E2%80%99s-environmental-cost-benefit-analyses>) and a March 4, 2013 letter by Congressman Lamar Smith and Senator David Vitter calls for transparency and release of secret data used in PM_{2.5} studies (<http://science.house.gov/press-release/smith-vitter-reiterate-call-transparency-and-release-epa-secret-data>).

Furthermore, the California SIPs need to be put into overall public health and economic perspective given the fact that, as of 2009, California had the third lowest total age-adjusted death rate among all fifty states (<http://www.cdc.gov/nchs/data/databriefs/db64.pdf>). The low total death rate for California does not support the notion that criteria pollutants are causing premature deaths or other serious health problems in California. In particular, this public health and economic perspective must be applied to the South Coast Air Quality Management District (AQMD) and the Air Quality Management Plan (AQMP) for the South Coast Air Basin (SCAB) (<http://aqmd.gov/>). The SCAB includes Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino Counties, representing about 17 million residents. SCAB residents have very good overall health relative to other Americans. As of 2009, the SCAB had an age-adjusted total death rate that was 12% below the national average, lower than the death rate in every state except Hawaii (<http://www.scientificintegrityinstitute.org/ASAS092812.pdf>).

Since my research proposal was not accepted in 2012, it should be reconsidered in 2013, in light of the ongoing need for independent examination of the SIPs in California. This problem is illustrated by the serious flaws in the 2012 AQMP, that was approved by the AQMD Governing Board on December 7, 2012 (<http://aqmd.gov/aqmp/2012aqmp/Final/index.html>) and February 1, 2013 (<http://www.aqmd.gov/aqmp/2012aqmp/Final-February2013/ApprovedBoardPackage.pdf>). These flaws are enumerated below and they must be addressed and corrected by the AQMD Governing Board before implementation of 2012 AQMP and before proceeding with development of 2015 AQMP. These problems have previously been brought to the attention of the AQMD staff and the AQMD Board and they have not yet been properly acted upon.

1) The Final December 2012 AQMP (<http://aqmd.gov/aqmp/2012aqmp/Final/index.html>) should comply with all provisions of California Health and Safety Code (CHSC) Section 40471 (b) before it is implemented: “On or before December 31, 2001, and every three years thereafter, as part of the preparation of the air quality management plan revisions, the south coast district board, in conjunction with a public health organization or agency, shall prepare a report on the health impacts of particulate matter air pollution in the South Coast Air Basin. The south coast district board shall submit its report to the advisory council appointed pursuant to Section 40428 for review and comment. The advisory council shall undertake peer review concerning the report prior to its finalization and public release. The south coast district board shall hold public hearings concerning the report and the peer review, and shall append to the report any additional material or information that results from the peer review and public hearings.” (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=40001-41000&file=40460-40471>).

Particularly important is the provision that the “south coast district board shall hold public hearings” specifically devoted to the "report on the health impacts of particulate matter air pollution in the South Coast Air Basin." No such hearings were held before the full Board in 2001, 2004, 2007, 2010, or at any other time, based on my analysis of Board hearing records. AQMD staff hearings to not satisfy this requirement. The Board hearing required in 2013 should be held as soon as possible, particularly before implementing the 2012 AQMP and before developing the 2015 AQMP. I have made several requests for these Board hearings since September 20, 2012 and two of these requests are included as pages in the Final 2012 AQMP Appendix I (<http://aqmd.gov/aqmp/2012aqmp/Final/AppI.pdf>).

2) The Final 2012 AQMP Chapter 2 Health Effects (<http://aqmd.gov/aqmp/2012aqmp/Final/Ch2.pdf>) and Appendix I Health Effects (<http://aqmd.gov/aqmp/2012aqmp/Final/AppI.pdf>) seriously misrepresent and exaggerate the health effects and health impacts of PM in the SCAB. These documents do not properly recognize the overwhelming evidence, by 26 doctoral level scientists, of NO relationship between PM (PM_{2.5} and PM₁₀) and total mortality ("premature deaths") in the SCAB and California. This evidence is summarized in my September 28, 2012 ASA JSM paper (<http://www.scientificintegrityinstitute.org/ASAS092812.pdf>), which is included among Appendix I comments.

3) The Final 2012 AQMP Socioeconomic Report (<http://aqmd.gov/aqmp/2012aqmp/Final/FinalSocioeconomicReport.pdf>) is severely flawed and must be redone by objective statisticians and economists. Table 3-5 on page 3-10 claims to show “the quantifiable health benefit of improved air quality associated with the 2012 AQMP for PM_{2.5} morbidity and mortality relative to air quality without the Plan.” However, 99% of \$2.247 billion per year in health benefits is illusory because no PM_{2.5} mortality will avoided by implementation of the 2012 AQMP. The Health Benefit Assessment for the 2012 AQMP SES Report by former US EPA economist Leland Deck is invalid because he was improperly awarded a sole-source contract in 2006 based on incorrect use of the “endangerment of public health” provision in Consultant Selection Policy (<http://aqmd.gov/hb/2006/October/06103a.html>). Since well before 2006 there has been no “endangerment of public health” in SCAB due to air pollution because these health effects have been minimal in recent years as documented by the evidence in my September 28, 2012 ASA JSM paper and numerous other sources.

4) Based on CHSC Section 40420 (a)(5) (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=40001-41000&file=40420-40428>), former Riverside Mayor Ronald O. Loveridge did not satisfy the requirements to serve as the AQMD representative of the cities in Riverside County after December 11, 2012, when his term as Mayor ended (<http://www.pe.com/local-news/riverside-county/riverside/riverside-headlines-index/20121211-riverside-new-mayor-william-rusty-bailey-takes-gavel.ece>). His replacement, Wildomar City Councilman Ben Benoit, was selected on November 19, 2012 (<http://lakeelsinore-wildomar.patch.com/articles/mayor-benoit-appointed-to-south-coast-air-quality-management-district-board>), but he was not sworn in as a AQMD Governing Board Member until March 1, 2013 (<http://aqmd.gov/news1/2013/bs030113.htm>). AQMD Board votes after December 11, 2012 that included former Mayor Loveridge should not be considered valid.

5) Clark E. Parker, Ph.D. (http://www.aqmd.gov/bios/bm_parker_clark.html) has been an AQMD Board member since June 1, 2012 and he has seemingly impressive educational credentials. However, “Dr.” Parker has not addressed my serious and repeated concerns about the AQMD and the 2012 AQMP. He did not respond to my July 25, 2012 letter, which included my June 4, 2012 rebuttal to the inaccurate AQMD characterization of air pollution health effects in the SCAB (<http://www.ocregister.com/opinion/air-357230-california-pollution.html>). He listened to my [December 7, 2012 AQMD testimony](#) against the 2012 AQMP, but he ignored all of it and voted to approve the 2012 AQMP. On January 18, 2013 I handed him my serious criticism of the 2012 AQMD (<http://www.scientificintegrityinstitute.org/Enstrom011813.pdf>), but he has entirely ignored it. Because his total lack of response is very unprofessional, I have carefully examined his educational credentials and have found several serious errors.

“Dr.” Parker claims a Ph.D. from the University of Central Arizona. However, the ProQuest Dissertation Database (<http://disexpress.umi.com/dxweb>) shows no Ph.D. awarded to any “Clark Parker.” Also, there is no record of a University of Central Arizona. There is a Central Arizona College (<http://www.centralaz.edu/>), but this community college does not award Ph.D. degrees. He claims a Doctor of Laws degree from Laurence University, but there is no record of a Laurence University. There is a Lawrence University (<http://www.lawrence.edu/>), but this undergraduate college does not award law degrees. Finally, he claims a Master of Science degree from the University of Redlands, but I can confirm only a 1981 Master of Arts degree (<http://www.scientificintegrityinstitute.org/Redlands1981.pdf>). Further details on “Dr.” Parker’s false degrees have been compiled (<http://www.scientificintegrityinstitute.org/Parker021913.pdf>). If AQMD is to maintain integrity on its Governing Board, “Dr.” Parker must be removed from the AQMD Board for dishonesty and credential fraud and all AQMD Board motions in which he participated, particularly those regarding the 2012 AQMP, should not be considered valid.

6) Joseph K. Lyou, Ph.D. (http://aqmd.gov/bios/bm_lyou_joe.html) has been an AQMD Board member since 2007. Since 2010 he has also been President and CEO of the Coalition for Clean Air (<http://ccair.org/staff-a-board/staff-521>). CCA is an environmental advocacy organization that promotes air pollution regulations and related actions. Its website includes totally inaccurate and undocumented claims about air pollution health effects. For instance, CCA “Facts About Air Pollution” claim “9000 Californians die prematurely each year because of air pollution” (<http://ccair.org/facts-about-air-pollution/10-air-pollution-facts>). The 2010-11 CCA Annual Report claims “Air pollution causes 19,000 premature deaths a year in California” (http://ccair.org/images/pdf/CCA_AnnualReport2010-11.pdf). Neither of these vastly different claims is documented with actual references. Moreover, both of these claims are contradicted by overwhelming peer-reviewed epidemiologic evidence that NO Californians die prematurely because of air pollution, particularly PM and ozone (<http://www.scientificintegrityinstitute.org/ASAS092812.pdf>). These inaccurate CCA claims are consistent with the fact the Dr. Lyou has no formal training in epidemiology, statistics, or environmental sciences, as best as I can determine. The ProQuest Dissertation Database (<http://disexpress.umi.com/dxweb>) shows that the title of his 1990 UC Santa Cruz Ph.D. dissertation is “The social psychology of U.S.-Soviet arms control negotiations: The role and experience of the U.S. negotiator and delegation.”

Furthermore, CCA is directly involved with major lawsuits that are related to AQMD Governing Board actions impacting the Port of Los Angeles, such as, the ongoing December 23, 2011 US Supreme Court Case No. 11-798 “AMERICAN TRUCKING ASSOCIATIONS, INC. v. CITY OF LOS ANGELES . . . COALITION FOR CLEAN AIR, INC.” (<http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/11-798.htm>). For specific evidence of CCA involvement, please examine the February 21, 2012 Respondent’s Brief (<http://www.chamberlitigation.com/sites/default/files/scotus/files/2012/Respondent%20NRDC%20Brief%20in%20Opposition%20to%20Cert.--%20ATA%20v.%20the%20City%20of%20Los%20Angeles,%20et%20al.%20%28U.S.%20Supreme%20Court%29.pdf>) and the March 18, 2013 Respondent’s Brief (<http://www.chamberlitigation.com/sites/default/files/scotus/files/2013/Respondent%27s%20Brief%20%28NRDC%29%20--%20ATA%20v.%20City%20of%20Los%20Angeles%20%28U.S.%20Supreme%20Court%29.pdf>).

While these lawsuits involving CAA are ongoing, Dr. Lyou should recuse himself from all AQMD Governing Board votes involving the Port of Los Angeles. He should not have been allowed to participate in the February 1, 2013 vote on to “Approve Control Measure IND-01, Backstop Measure for Indirect Sources of Emissions from Ports and Port-Related Facilities, for Inclusion in Final 2012 Air Quality Management Plan (<http://aqmd.gov/aqmp/2012aqmp/Final-February2013/ApprovedBoardPackage.pdf>).

I request a response to my above comments from CARB staff members, particularly those responsible for preparing the CARB Annual Research Plan. Also, I request a response from CARB Board Members, particularly the two members with the most relevant scientific knowledge about my comments: UCSF and UC Berkeley Professor John R. Balmes (<http://www.arb.ca.gov/board/bio/balmes.htm>) and UC Davis Professor Daniel Sperling (<http://www.arb.ca.gov/board/bio/dsperling.htm>). If I do not receive a detailed and satisfactory response to my comments than I will assume that the CARB staff and the CARB Board do not consider my comments worthy of further investigation or corrective action.