

James E. Enstrom, Ph.D., M.P.H.  
President  
SCIENTIFIC INTEGRITY INSTITUTE  
914 Westwood Boulevard #577  
Los Angeles, CA 90024-2905  
<http://www.scientificintegrityinstitute.org>  
[jenstrom@ucla.edu](mailto:jenstrom@ucla.edu)  
(310) 472-4274

November 4, 2013

Laura Rasar King, MPH, MCHES  
Executive Director  
Council on Education for Public Health  
1010 Wayne Avenue, Suite 220  
Silver Spring, MD 20910-5600

Dear Ms. King,

I am hereby submitting to the Council on Education in Public Health (CEPH) my formal comments that the UCLA School of Public Health (SPH) should not have its accreditation by CEPH extended beyond December 31, 2013 unless it makes a strong new commitment to academic diversity, academic freedom, and scientific integrity. This new commitment would require strict adherence to the SPH Mission “to enhance the public’s health by conducting innovative research. . . .” (<http://www.ph.ucla.edu/pdfs/SPHStrategicPlan.pdf>) and to the UCLA Mission Statement, which states in part “UCLA is committed to academic freedom in its fullest terms . . . . In all of our pursuits, we strive at once for excellence and diversity. . . .” ([http://www.wasc.ucla.edu/cpr\\_endnotes/Mission\\_Statement.pdf](http://www.wasc.ucla.edu/cpr_endnotes/Mission_Statement.pdf)).

I have substantial evidence that the SPH currently violates at least three CEPH accreditation standards for Schools of Public Health: “1.4 Organization and Administration,” “1.8 Diversity,” and “4.2 Faculty Policies and Procedures” (<http://ceph.org/assets/SPH-Criteria-2011.pdf>). Below I provide one serious violation of each standard in order to illustrate the need for reforms.

The SPH violates the CEPH criteria “1.4 Organization and Administration,” because “the environment” is often not “characterized by commitment to the integrity of the school, including high ethical standards in operations, equity in its dealings with all constituents . . . .” On April 22, 2008 I submitted the attached public comments to the California Air Resources Board (CARB) regarding their Goods Movement Emissions Reduction Program (GMERP) ([http://www.arb.ca.gov/lists/erplan08/2-carb\\_enstrom\\_comments\\_on\\_gmerp\\_042208.pdf](http://www.arb.ca.gov/lists/erplan08/2-carb_enstrom_comments_on_gmerp_042208.pdf)). These comments described my serious concerns about the scientific integrity of fine particulate air pollution (PM2.5) epidemiology and CARB’s exaggeration of PM2.5 health effects in California in order to justify costly diesel vehicle regulations that adversely impact California businessmen. Also, my comments pointed out the unethical and illegal 26-year tenure of SPH

Professor John R. Froines on the CARB Scientific Review Panel (SRP). In 1998 the SRP identified diesel particulate matter as a Toxic Air Contaminant that needed to be regulated.

On February 26, 2010 I provided expanded and updated evidence on these same concerns in a presentation at a major CARB Symposium on “premature deaths” (total mortality) due to PM2.5 ([http://www.arb.ca.gov/research/health/pm-mort/pm-mort-ws\\_02-26-10.htm](http://www.arb.ca.gov/research/health/pm-mort/pm-mort-ws_02-26-10.htm)). My presentation was then shared with all faculty members in the SPH Department of Environmental Health Sciences (EHS). Instead of addressing the serious scientific and ethical problems that I had identified or allowing me to discuss the problems in an EHS seminar, the EHS faculty retaliated against me by secretly voting in April 2010 to terminate the SPH research faculty position that I had then held for 34 years. At that time the EHS faculty included Dr. Froines, SPH Dean Linda Rosenstock, SPH Associate Dean Hilary A. Godwin, and EHS Chair Richard J. Jackson.

The scientific issue underlying my SPH termination involves my 2005 null research findings on PM2.5 and total mortality, which have upset an extreme environmental agenda in California. Although my null findings were considered to be a “politically incorrect” anomaly when first published in 2005, there is now overwhelming evidence from ten separate sources supporting my conclusion that there is no relationship between PM2.5 and total mortality in California. These null findings have been consistently misrepresented and/or ignored by the US Environmental Protection Agency (EPA) and the CARB. EPA and CARB have instead primarily relied upon “secret science” findings from the Harvard Six Cities Study and the ACS Cancer Prevention Study II (CPS II), which show a small positive relationship between PM2.5 and total mortality.

The inability of highly qualified scientists like myself and distinguished legislators in Congress to independently verify these Federally funded “secret science” findings has led to the August 1, 2013 US House Science Committee subpoena of EPA for the H6CS and CPS II data that provide the primary scientific basis for EPA’s multibillion dollar PM2.5 and ozone regulations (<http://science.house.gov/press-release/smith-subpoenas-epa-s-secret-science>). Selected pages from the subpoena are attached. I have been named by this Committee as one of the scientists who should be allowed to verify and reanalyze these “secret science” findings, as described in the attached August 10, 2013 article (<http://www.globalwarming.org/2013/08/10/dispute-continues-over-house-science-committee-subpoena-to-epa-for-secret-science/>). To demonstrate that it is committed to integrity and high ethical standards, the SPH must give me the opportunity to prove the validity of my PM2.5 epidemiologic research and to document the retaliatory misconduct of Drs. Froines, Rosenstock, Godwin, and Jackson in their actions to terminate me.

The SPH violates the CEPH criteria “1.8 Diversity” because it has does not “demonstrate a commitment to diversity” and does not “recruit, develop, promote and retain a diverse faculty.” In particular, the SPH has essentially no conservative faculty members and does little to promote or support conservative faculty members and their “politically incorrect” research. The current SPH faculty does not reflect the academic and political diversity of California. This lack of diversity does not “enhance the public’s health” and puts serious limits on the conduct of “innovative research.” Extensive details regarding lack of academic and political diversity in the SPH are contained in my attached January 23, 2012 letter to the UCLA Epidemiology Program Review Team (<http://www.scientificintegrityinstitute.org/EnstromA012312.pdf>).

Finally, the SPH violates portions of the CEPH criteria “4.2 Faculty Policies and Procedures,” specifically regarding “Policies, procedures and operational guidelines related to conditions of employment should be established and available to all faculty. Procedures should provide for fair and equitable treatment of faculty and should be consistently applied. . . . Required Documentation: b. Description of provisions for faculty development, including identification of support for faculty categories other than regular full-time appointments. c. Description of formal procedures for evaluating faculty competence and performance. . . .” I did not have and was never able to obtain a “regular full-time appointment” and the existing SPH procedures do not “provide for fair and equitable treatment of faculty” and are not “consistently applied”.

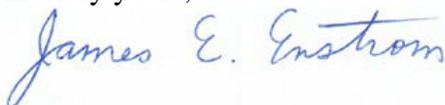
The lack of “fair and equitable treatment of faculty” is clearly illustrated by the retaliation and termination actions against me that began February 10, 2010. My August 27, 2010 whistleblower retaliation complaint against UCLA was never fully or properly addressed and was ultimately unsuccessful. My research faculty appointment, which began on July 1, 1976, ended on June 30, 2012. I have been improperly and illegally forced into retirement and I currently have only a few rights granted to retired faculty members.

A Federal lawsuit against UCLA was filed in California on my behalf by the American Center for Law and Justice (ACLJ) on June 13, 2012, alleging violation of my first amendment right to free speech and my fourteenth amendment right to due process (<http://aclj.org/free-speech-2/lawsuit-against-ucla-after-professor-fired-for-blowing-whistle-on-junk-science>). I received a favorable ruling by a Federal Judge on March 18, 2013 and my lawsuit is now proceeding against six UCLA defendants, including a former and a current Vice Chancellor for Academic Personnel, as well as the SPH Dean, Associate Dean, and EHS Chair responsible for my termination. A summary of my ongoing UCLA lawsuit is described in the attached March 26, 2013 Foundation for Individual Rights in Education (FIRE) article “Encouraging Ruling in Whistleblowing Scientist’s Suit Against UCLA” (<http://thefire.org/article/15587.html>).

I request that CEPH carefully and fully evaluate the information contained in this letter and the attached pages, as well as in the additional URLs. These pages provide substantial evidence of lack of integrity and ethics in the administration of the SPH, lack of academic and political diversity among the faculty, and lack of faculty policies and procedures that protect the rights of all faculty members. Unless the SPH makes an immediate and successful effort to correct these three serious deficiencies, it should not have its CEPH accreditation extended. An important indication of their willingness to correct these deficiencies will be the way they respond to the evidence that I have presented in these comments.

Thank you very much for your consideration.

Sincerely yours,



James E. Enstrom, Ph.D., M.P.H.

April 22, 2008

California Air Resources Board  
1001 "I" Street  
P.O. Box 2815  
Sacramento, CA 95812  
<http://www.arb.ca.gov/>

Re: Agenda Item #08-4-7: Update the Board on Implementation of the Emission Reduction Plan for Ports and Goods Movement (GMERP) (<http://www.arb.ca.gov/board/ma/2008/ma042408.htm>)

Dear Board Members:

I am writing as a UCLA epidemiologist with 35 years of experience publishing high quality peer reviewed research, including important research on air pollution and mortality in California. Below I present evidence on three major points that are directly relevant to Agenda Item #08-4-7. I request that this evidence be thoroughly and objectively evaluated by all members of the Board before there is further implementation of the GMERP.

1) Exaggerated "Premature Mortality" Calculation in March 21, 2006 GMERP Appendix A "Quantification of the Health Impacts and Economic Valuation of Air Pollution from Ports and Goods Movement in California" ([http://www.arb.ca.gov/planning/gmerp/march21plan/appendix\\_a.pdf](http://www.arb.ca.gov/planning/gmerp/march21plan/appendix_a.pdf))

My December 15, 2005 paper, "Fine particulate air pollution and total mortality among elderly Californians, 1973-2002" (*Inhalation Toxicology* 2005;17:803-816), along with a cover letter, was submitted to CARB on January 9, 2006 for consideration regarding the GMERP ([http://www.arb.ca.gov/planning/gmerp/dec1plan/gmerp\\_comments/enstrom.pdf](http://www.arb.ca.gov/planning/gmerp/dec1plan/gmerp_comments/enstrom.pdf)). My paper, which found no relationship between fine particulate matter (PM<sub>2.5</sub>) and mortality in elderly Californians after 1982, is directly relevant to the "PM-related Mortality" calculation described on pages A-29 and A-30 of Appendix A. Although it represents the most detailed and comprehensive analysis of PM<sub>2.5</sub> and mortality ever published on a California cohort, my paper (Enstrom, 2005) was not included in the calculation of premature deaths, largely because of the claim that "this study has generated a great deal of controversy . . . ." However, the nature of the controversy was not specified and no specific justification for exclusion was given. Instead, primary emphasis was given to the November 1, 2005 paper "Spatial Analysis of Air Pollution and Mortality in Los Angeles" by Michael Jerrett et al. (*Epidemiology* 2005;16:727-736), which found an unusually large relationship between PM<sub>2.5</sub> and mortality in the Los Angeles basin after 1982. This led to the Appendix A estimate that particulate matter is responsible for 2,400 premature California deaths per year (page A-6). However, the Jerrett results are inconsistent with both my 2005 results and the 2000 US map of "fine particles and mortality risk" by Daniel Krewski et al. (<http://pubs.healtheffects.org/view.php?id=6>, Part II, page 197). The 2000 US map, which is shown at the end of this letter, indicates only "medium mortality" risk in the Los Angeles basin associated with fine particles. The inconsistencies between the results in my paper, the 2000 US map, and the Jerrett paper must be resolved before definitive conclusions can be drawn about the number of premature deaths in California that might be due to particulate matter.

To further illustrate how my results have not been given proper consideration by CARB staff or CARB, the March 23, 2006 Staff Presentation to CARB made absolutely no mention of my study ([ftp://ftp.arb.ca.gov/carbis/board/books/2006/032306/06-3-1pres.pdf](http://ftp.arb.ca.gov/carbis/board/books/2006/032306/06-3-1pres.pdf)). In particular, slide 14 of the presentation, “Stronger Relationship Between Particulate Matter (PM) and Premature Death,” cites eight major studies, including the Jerrett study, but omitted my study entirely. Then slides 15-23 described only the Jerrett study, with no mention any contrary evidence. Inclusion of all relevant evidence, particularly California-specific evidence, is critical because the estimation of premature deaths involves great uncertainty. For instance, the November 2005 GMERP Appendix A did not rely on the Jerrett study and calculated that there were only 750 premature deaths per year (see pages A-5, A-40, and A-41). The November 2005 GMERP Appendix A is no longer posted, but can be found on my website (<http://www.scientificintegrityinstitute.org/GMERPAppA120205.pdf>). CARB must exercise appropriate reservations regarding the Appendix A analyses, because they represent the assessment of the CARB staff and they have not been subjected to the same kind of independent critical evaluation that the peer reviewed Enstrom and Jerrett papers have received.

## 2) Controversial History Regarding Declaration of Diesel Exhaust as a Toxic Air Contaminant

After about 10 years of intense controversy, diesel exhaust was declared to be a toxic air contaminant (TAC) by the CARB Scientific Review Panel (SRP) on Toxic Air Contaminants on April 22, 1998 (<http://www.arb.ca.gov/srp/mt042298.htm>). A summary of the controversy was given in the April 23, 1998 Los Angeles Times article “Diesel Exhaust Found to Pose Strong Cancer Risk; State must decide whether to declare fumes a toxic threat requiring safeguards. Business leaders attack report” (<http://proquest.umi.com/pqdweb?did=28940780&sid=1&Fmt=3&clie%20ntId=1564&RQT=309&VName=PQD>). Then, on August 27, 1998 the CARB declared diesel exhaust particulate matter to be a TAC. This action was taken after industry groups, including trucking and oil companies, agreed to end years of intense opposition to CARB action on diesel as long as only diesel exhaust particulate matter, not diesel exhaust as a whole, was identified as a TAC. This action was described in an August 28, 1998 Los Angeles Times article “Board Declares Diesel Soot a Cancer-Causing Pollutant” (<http://proquest.umi.com/pqdweb?did=33480494&sid=1&Fmt=3&clie%20ntId=1564&RQT=309&VName=PQD>).

Since 1998, diesel exhaust and diesel exhaust particulate matter levels in California and the US have declined substantially. These improved air quality trends are documented in the January 2008 book “Air Quality in America” by Joel M. Schwartz and Steven F. Hayward ([http://www.aei.org/books/bookID.918/book\\_detail.asp](http://www.aei.org/books/bookID.918/book_detail.asp)). Indeed, tremendous progress has been made in improving overall air quality during the past 50 years and that this progress must be acknowledged in current assessments by CARB. In addition, there is substantial new epidemiologic evidence relevant to the health effects of diesel exhaust that was not considered when the 1998 TAC declaration was made. For instance, the 2007 paper on mortality in the unionized U.S. trucking industry by Francine Laden et al. (*Environ Health Perspect* 2007;115:1192-1196), found that 36,000 diesel truck drivers had death rates from all causes and all cancer that were substantially below the rates among US males, as might be expected in a working population, likely due to the “healthy worker effect.” Furthermore, unlike some earlier evidence, the lung cancer death rate was not elevated among these truckers (<http://www.pubmedcentral.nih.gov/picrender.fcgi?artid=1940099&blobtype=pdf>). This new evidence must be fully evaluated and included in the assessment of the current health effects of diesel exhaust.

3) The California Health and Safety Code and Appointments to the Scientific Review Panel  
(<http://caselaw.lp.findlaw.com/cacodes/hsc/39670-39671.html>)

California Health and Safety Code (CHSC) Sections 39670-39671 define the CARB Scientific Review Panel on Toxic Air Contaminants and the specific way in which the nine members of the panel are to be appointed (<http://caselaw.lp.findlaw.com/cacodes/hsc/39670-39671.html>). In particular, each panel member is appointed “for a term of three years” and “the terms of three members expire each year.” However, although I have been receiving CARB listserv messages continuously since 2005, I have never seen any announcement requesting nominations or applications for new panel members. Indeed, based on a comparison of the April 22, 1998 SRP transcript (<http://www.arb.ca.gov/srp/mt042298.htm>) with the CARB list of current SRP members (<http://www.arb.ca.gov/srp/public.htm>), five SRP members have served for at least ten years. I believe that the intent of the CHSC is timely turnover on the SRP, not repeated reappointment of the same panel members.

On June 13, 2005 I submitted eight pages of detailed evidence to CARB questioning the fitness and objectivity of a particular SRP member who has made unwarranted and unprofessional attacks on me and my epidemiologic research since 2003. According to CARB policy, my submission was supposed to have been shown to all SRP members well before they took an important vote on June 24, 2005. However, based on the June 24, 2005 SRP transcript, my “communication” was not distributed to all SRP members until after the vote was taken (<http://www.arb.ca.gov/srp/srp0624.pdf>). Instead of having the SRP members decide, CARB legal staff somehow decided that the panel member in question could “fairly and objectively” participate in the panel deliberations. My “communication” was not included as part of the SRP transcript and has never been posted as a public comment.

Furthermore, this panel member was recently reappointed to another three-year term, in spite of my detailed evidence questioning his fitness and in spite of the fact that he has served on the SRP since 1986. Lack of turnover, as clearly specified in the CHSC, has denied many other qualified California scientists an opportunity to be on the SRP and to provide new perspective and expertise on the important issues related to TAC assessment. I request that CARB now post my June 13, 2005 “communication” among the public comments. If necessary, I can resubmit my “communication.”

Conclusions and Requests to CARB

As a California epidemiologist who has spend the past 35 years conducting research on risk factors related to the health of Californians, I believe that the mortality effects of diesel exhaust on the general public have been exaggerated by the April 22, 1998 SRP decision and by the March 21, 2006 GMERP Appendix A. Furthermore, I believe that the GMERP is having an adverse impact on the California economy, is driving essential business out of California, and is generating unwarranted lawsuits. To illustrate impacts of the GMERP, read about recent efforts to establish a new port in Baja California because of the environmental regulations and constraints on development associated with the existing ports in Southern California (<http://articles.latimes.com/2008/03/25/news/fi-mexport25>) and recent threats by environmental activists to sue the Port of Long Beach over diesel emissions (<http://www.latimes.com/news/science/environment/la-me-port7feb07.0.3674984.story>). In response to my concerns, CARB should promptly post announcements soliciting new candidates for the three SRP positions that expire at the end of 2008. Furthermore, CARB should undertake fully updated

assessments of the relationship between fine particles and mortality in California and of the overall health effects of diesel exhaust in California. At a time when the California economy is facing major challenges and the state budget has a large deficit, the focus should not be on implementing the GMERP but on accurately and objectively assessing its health and economic consequences.

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

Sincerely yours,

James E. Enstrom, Ph.D., M.P.H.  
 University of California, Los Angeles  
<http://www.cancer.ucla.edu/>  
[jenstrom@ucla.edu](mailto:jenstrom@ucla.edu)  
 (310) 825-2048

Map reprinted from Krewski et al (2000) (<http://pubs.healtheffects.org/view.php?id=6>, Part II, page 197) or (<http://www.scientificintegrityinstitute.org/IT060106.pdf> , page 513)

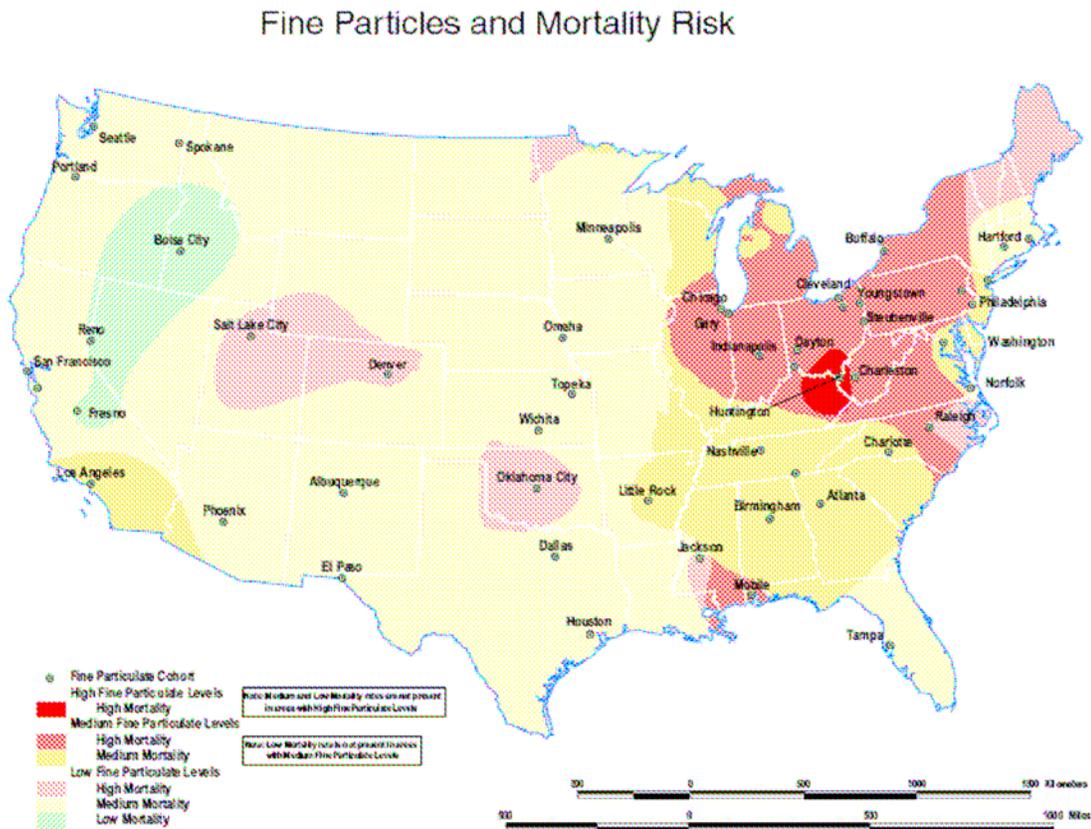


Figure 21. Spatial overlay of fine particle levels and relative risk of mortality. Interval classifications for fine particles ( $\mu\text{g}/\text{m}^3$ ): low 8.99–17.03; medium 17.03–25.07; high 25.07–33.07. Interval classifications for relative risks of mortality: low 0.502–0.711; medium 0.711–0.919; high 0.919–1.128.

Congress of the United States  
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371  
www.science.house.gov

August 1, 2013

The Honorable Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
USEPA William Jefferson Clinton Federal Building  
1200 Pennsylvania Ave., N.W., Washington, DC

Dear Administrator McCarthy,

Enclosed please find a subpoena *duces tecum* from the United States House of Representatives Committee on Science, Space, and Technology.



Rep. Lamar Smith  
Chairman  
Committee on Science, Space, and Technology



Rep. Chris Stewart  
Chairman  
Subcommittee on Environment

Enclosure.

**SUBPOENA**

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE  
CONGRESS OF THE UNITED STATES OF AMERICA**

To Gina McCarthy, Administrator, United States Environmental Protection Agency

You are hereby commanded to be and appear before the Committee on Science, Space and Technology

of the House of Representatives of the United States at the place, date and time specified below.

- to testify touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2321 Rayburn House Office Building, Washington, DC 20515

Date: August 19, 2013

Time: 10:00 a.m.

To U.S. Marshals Service or any authorized staff member of the Committee on Science, Space, and Technology  
\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States,  
at the city of Washington, this 15<sup>th</sup> day of August, 2013.

Lamar Smith

Chairman or Authorized Member

Attest:

\_\_\_\_\_  
Clerk

## Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, whether classified or unclassified, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meeting or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. The term specifically includes, but is not limited to, all experiment protocols and datasets, including the computer programs used in all phases of the covered studies, the code books and data dictionaries used, all electronic machine-readable input files necessary to replicate the study results, and copies of the output files. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "documents in your possession, custody, or control" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) protocols, datasets, and other documents that you have placed in the temporary possession, custody, or control of any third party. "Documents in your possession, custody, or control" specifically includes documents that the EPA has a legal right to obtain under the Shelby amendment (contained in PL 105-27), OMB Circular A-110, or any other law, whether those documents are in the immediate possession of Harvard University, the American Cancer Society, the Health Effects Institute, or any other private entity.

3. The phrase "all analyses and re-analyses of" means any subsequent analysis of the Harvard Six Cities or Cancer Prevention Study II data, including, but not limited to:

Jerrett et al. 2009. "Long-term ozone exposure and mortality." *New England Journal of Medicine* 360: 1085-1095.

Krewski et al. 2000. "Reanalysis of the Harvard Six Cities Study and the American Cancer Society Study of Particulate Air Pollution and Mortality." Special report to Health Effects Institute. Cambridge MA. July.

Pope et al. 2002. "Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution." *Journal of the American Medical Association* 287: 1132-1141.

Pope et al. 2009. "Fine Particle Air Pollution and Life Expectancy in the United States." *New England Journal of Medicine* 360: 376-386.

Laden et al. 2006. "Reduction in Fine Particulate Air Pollution and Mortality." *American Journal of Respiratory and Critical Care Medicine* 173: 667-672.

Krewski et al. 2009. "Extended follow-up and spatial analysis of the American Cancer Society study linking particulate air pollution and mortality, HEI Research Report 140, Health Effects Institute. Boston, MA.

Lepeule et al. 2012. "Chronic Exposure to Fine Particles and Mortality: An Extended Follow-Up of the Harvard Six Cities Study from 1974 to 2009." *Environmental Health Perspectives* 120(7): 965-970.

4. The term "covered studies" means the Harvard Six Cities Study, the Cancer Prevention Study II, and all analyses and re-analyses of either study.
5. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
6. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
7. The terms "person" or "persons" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
8. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

<http://www.globalwarming.org/2013/08/10/dispute-continues-over-house-science-committee-subpoena-to-epa-for-secret-science/>

# GlobalWarming.org

## May Cooler Heads Prevail

### Dispute Continues Over House Science Committee Subpoena to EPA for Secret Science

by [Myron Ebell](#) on August 10, 2013

in [Blog](#)

The public fight that Representative Lamar Smith (R-Tex.), Chairman of the House Committee on Science, Space, and Technology, picked with the Environmental Protection Agency last week looks like it will [continue](#) into the August recess. On 1st August, the committee voted on a party-line vote to authorize the chairman to [subpoena the EPA](#) for the data underlying several major epidemiological studies that are used to justify Clean Air Act regulations. Chairman Smith then [executed the subpoena](#) and sent it to new EPA Administrator Gina McCarthy, who in September 2011 as Assistant Administrator for Air and Radiation had promised the committee to turn over the data.

Representative Eddie Bernice Johnson (D-Tex.), the ranking Democrat on the Science Committee, sent Chairman Smith [a letter](#) on 30th July objecting in lengthy detail to the proposed subpoena. In her letter, Rep. Johnson attacked the credibility of Dr. James Enstrom, who was fired by [UCLA](#) after 36 years as a research scientist because his results have sometimes been politically incorrect. In particular, he has questioned the EPA's claims of hundreds of billions of dollars of health benefits from its Clean Air Act regulations.

Dr. Enstrom responded to Rep. Johnson's attack in a [letter](#) to Chairman Smith in which he demands that Johnson "immediately withdraw her defamatory statements about me. Furthermore, I request that the Ranking Member identify the person(s) who originated these defamatory statements." Since both the Chairman and the ranking Democrat are from Texas, the story has been [picked up](#) by the Texas media. Chairman Smith has also now replied to Rep. Johnson in an 8th August [letter](#).



UCLA SCHOOL OF PUBLIC HEALTH  
650 CHARLES E. YOUNG DR. SOUTH  
AI-295 CHS, BOX 951772  
LOS ANGELES, CALIFORNIA 90095-1772

January 23, 2012

Catia Sternini, Ph.D.  
Department of Neurobiology  
Chair, Academic Senate Review Team  
for Department of Epidemiology  
University of California, Los Angeles  
Los Angeles, CA 90095-1408

Dear Dr. Sternini:

I am writing regarding the current UCLA Academic Senate Program Review of the Department of Epidemiology (EPI) within the School of Public Health (SPH) (<http://www.senate.ucla.edu/programreview/2011-12ProgramReviews.htm>). I want to express my serious concerns about academic freedom, academic diversity, and ethical conduct in EPI. Although I am not currently affiliated with EPI, I am an accomplished epidemiologist who has been at UCLA since December 1, 1973 and I currently hold an epidemiology-related research faculty position in the SPH Department of Environmental Health Sciences (EHS). I have extensive knowledge that is highly relevant to the EPI Program Review. I request that you give my comments full consideration.

My comments are focused primarily on the following two aspects of the Program Review:

**1) ACADEMIC SENATE GUIDELINES FOR THE SELF-REVIEW**

(<http://www.senate.ucla.edu/programreview/documents/GuidelinesfortheSelf-Review.pdf>)

**“4. Sections of the Self-Review Report G. Diversity.** Describe specifically the department’s efforts to foster diversity among faculty and staff.”

**2) ACADEMIC SENATE GUIDELINES FOR THE SITE VISIT**

(<http://www.senate.ucla.edu/programreview/documents/GuidelinesfortheSiteVisit.pdf>)

**“Section 6. Special Concerns B. Evidence.** The review team needs to be sensitive to evidence, particularly for allegations of inadequate performance, misconduct, or wrongdoing.”

I have substantial evidence that EPI has violated basic University of California (UC) policies regarding mission statement (specifically academic freedom), academic diversity, and ethical conduct. The relevant portions of these policies are shown below, with key phrases in bold:

1) *UCLA Mission Statement* ([http://www.wasc.ucla.edu/cpr\\_endnotes/Mission\\_Statement.pdf](http://www.wasc.ucla.edu/cpr_endnotes/Mission_Statement.pdf)).

This statement says “UCLA’s primary purpose as a public research university is the creation, dissemination, preservation, and application of knowledge for the betterment of our global society. To fulfill this mission, **UCLA is committed to academic freedom in its fullest terms: we value open access to information, free and lively debate conducted with mutual respect for individuals, and freedom from intolerance.** In all of our pursuits, we strive at once for excellence and diversity, recognizing that openness and inclusion produce true quality.”

2) *UC Diversity Statement*

(<http://www.ucop.edu/ucophome/coordrev/policy/PP063006DiversityStatement.pdf>). This statement says “Diversity – a defining feature of California’s past, present, and future – refers to the **variety of personal experiences, values, and worldviews** that arise from differences of culture and circumstance.”

3) *UC Standards of Ethical Conduct*

(<http://www.universityofcalifornia.edu/compaudit/ethicalconduct.html>). These standards state “Pursuit of the University of California mission of teaching, research and public service requires a shared commitment to the core values of the University as well as a commitment to the ethical conduct of all University activities. In that spirit, the *Standards of Ethical Conduct* are a statement of **our belief in ethical, legal and professional behavior in all of our dealings inside and outside the University.**”

November 30, 2011 EPI Self-Review Report by Chair Roger Detels and Vice Chair Beate Ritz ([http://www.senate.ucla.edu/programreview/documents/SelfReview\\_Epidemiology.pdf](http://www.senate.ucla.edu/programreview/documents/SelfReview_Epidemiology.pdf)) states on page 11 “Another issue is the lack of diversity in the faculty, there being no Hispanic and only one African among the department’s FTE (regular-series) faculty. On the other hand, 4 of the 9 current FTE faculty are women.” The issue of diversity involves much more than the race and sex of the FTE faculty. Particularly troubling is the fact that EPI as a whole (the 43 FTE and non-FTE faculty listed in Table 1) is dominated by liberal faculty members who have a liberal approach to public health issues.

This lack of academic diversity has existed for the entire 38 years that I have been at UCLA. There is a tremendous emphasis in EPI on the health risks associated with AIDS and HIV and environmental factors like air pollution, pesticides, and low level radiation. However, among the 235,000 annual deaths in California, AIDS accounts for fewer than 1,000 deaths and air pollution, pesticides, and low level radiation account for essentially no deaths, based on my assessment. EPI does not focus on the positive aspects of health in California, such as, the fact that California currently has third lowest total (all cause) age-adjusted death rate of the fifty states (<http://www.cdc.gov/nchs/data/databriefs/db64.pdf>) and the fact that Los Angeles County has the lowest total age-adjusted death rate of any large American county, a rate that is even lower than the California rate.

My openly conservative approach to public health issues is not acceptable to EPI, although the importance of my research findings has been widely recognized outside of UCLA. My research has focused on California populations that are at low risk of major diseases and on lifestyle factors that result in improved health and reduced mortality rate, such as, religiosity, marriage, education, and no cigarette smoking. For instance, I have studied the health benefits of the Mormon lifestyle since 1973 and have documented that this lifestyle is associated with a long-term 50% reduction in total death rate and is generalizable to non-Mormons who follow the same lifestyle. The latest findings are described in my 2008 *Preventive Medicine* paper with Dr. Lester Breslow (<http://www.scientificintegrityinstitute.org/PM2008.pdf>). Also, I have done extensive epidemiologic research which shows environmental factors like low level radiation, environmental tobacco smoke, and air pollution have essentially no impact on mortality. I have made significant findings on several important epidemiologic issues and all of my findings have held up over time. However, several of these findings are “politically incorrect” and have not been received well by liberal SPH faculty members, particularly SPH Dean Linda Rosenstock.

For the past six years I have been engaged in a successful scientific effort to document that fine particulate matter (PM<sub>2.5</sub>) and diesel PM does not kill Californians. This effort has confirmed the validity of the findings in my December 2005 *Inhalation Toxicology* paper on PM<sub>2.5</sub> and mortality in California (<http://www.scientificintegrityinstitute.org/IT121505.pdf>). My effort directly counters the 22-year effort of several liberal activist scientists in California, including EHS Chair Richard J. Jackson, who played a prominent role in getting diesel exhaust classified as a carcinogen in 1990, and EHS Professor John R. Froines, who played a prominent role in getting diesel exhaust, specifically diesel PM, classified as a toxic air contaminant in 1998. These classifications subsequently lead the California Air Resources Board (CARB) to enact draconian regulations to reduce diesel PM levels in California. Many of these multi-billion dollar diesel vehicle regulations have gone into effect as of January 1, 2012.

My efforts regarding PM<sub>2.5</sub> and diesel PM epidemiology have been most recently described in my November 28, 2011 UCLA Institute of the Environment and Sustainability Seminar (<http://www.environment.ucla.edu/calendar/showevent.asp?eventid=667>) and in my December 13, 2011 comments to the California Office of Administrative Law (COAL) requesting suspension of the CARB diesel vehicle regulations ([http://www.arb.ca.gov/lists/gmbond2011/2-enstrom\\_letter\\_to\\_coal\\_cornez\\_re\\_suspend\\_carb\\_diesel\\_regs\\_121311.pdf](http://www.arb.ca.gov/lists/gmbond2011/2-enstrom_letter_to_coal_cornez_re_suspend_carb_diesel_regs_121311.pdf)). There is now overwhelming evidence that there are NO premature deaths due to PM<sub>2.5</sub> and diesel PM in California and no public health justification for the CARB diesel regulations. Unfortunately, my comments have been ignored by CARB and COAL. More California epidemiologists need to make their own assessment of this important environmental science and regulations issue.

Since 2008 I have made formal and/or informal requests to EPI Chair Detels, EPI Vice Chair Ritz (also an EHS Professor), former EPI Vice Chair Zuo-Feng Zhang (also an EHS Professor), and EPI Professor Sander Greenland regarding the serious issues of scientific integrity and ethical conduct surrounding PM<sub>2.5</sub> epidemiology. These four EPI professors have expressed no concern to me about these issues and other EPI faculty members have expressed no concern either. Also, there has been no concern expressed about the actions taken during the past two years to end my research faculty appointment in EHS for reasons that are clearly related to my outspokenness on the PM<sub>2.5</sub> epidemiology issue. The essential elements of my currently pending

termination from UCLA and its relationship to the PM<sub>2.5</sub> epidemiology issue has been described in the attached December 5, 2011 National Association of Scholars article “Why UCLA’s Firing of a Lone Dissenting Voice Should Worry Us” by Dr. Geoffrey C. Kabat ([http://www.nas.org/polArticles.cfm?doc\\_id=2303](http://www.nas.org/polArticles.cfm?doc_id=2303)).

I have made detailed requests regarding PM<sub>2.5</sub> epidemiology to Dr. Ritz, who is the EPI and EHS epidemiologist with the most expertise in air pollution epidemiology during the past decade, based on her publications and funding. However, she has failed to address my extensive evidence about the exaggerated mortality risks of PM<sub>2.5</sub> and diesel PM in California, as stated in my December 10, 2008 CARB public comments ([http://www.arb.ca.gov/lists/truckbus08/897-carb\\_enstrom\\_comments\\_on\\_statewide\\_truck\\_regulations\\_121008.pdf](http://www.arb.ca.gov/lists/truckbus08/897-carb_enstrom_comments_on_statewide_truck_regulations_121008.pdf)). She signed December 4, 2008 CARB public comments which support CARB diesel science and regulations. These comments include statements which have now been shown to be documentably false, such as, “The state of California estimates that diesel pollution from trucks and buses alone will be responsible for 4,500 premature deaths in California in 2008. . . . these pollutants are taking a serious toll on California’s public health. Much of this morbidity and mortality can be avoided by cleaning up heavy-duty trucks. . . .” (<http://www.arb.ca.gov/lists/truckbus08/426-public-health-letter--truck-and-bus-rule-dec-2008.pdf>).

Dr. Ritz has never corrected her 2008 CARB comments, which were also signed by EHS Chair Jackson, EHS Professor Arthur E. Winer, and Dean Rosenstock. Instead, Dr. Ritz stated in an August 2010 newspaper article about my then pending determination from EHS that she knows Enstrom “for letting his interpretations go beyond the data and his personal biases to be strong enough to not allow for a balanced and appropriately cautious interpretation of the numbers.” However, she has refused repeated requests to provide specific evidence supporting this defamatory claim (<http://www.scientificintegrityinstitute.org/Ritz100610.pdf>). My 2010 email messages to her are attached.

Her lack of response to these requests is further compounded by the fact that she, along with Dr. Zhang and Dean Rosenstock, participated in the April 15-16, 2010 EHS Program Review Site Visit, knowing that I had been entirely omitted. Furthermore, I was entirely omitted from the 650-page January 29, 2010 "UCLA Department of Environmental Health Sciences Self-Review Report" (<http://www.senate.ucla.edu/programreview/documents/SelfReviewEHScomplete.pdf>). These three individuals, who will participate in the February 16-17, 2012 EPI Program Review Site Visit, should be asked about the PM<sub>2.5</sub> epidemiology issue and the omission of me from the 2010 EHS Program Review. Dr. Ritz has refused to address my October 6, 2011 request about these matters (<http://www.scientificintegrityinstitute.org/Ritz100711.pdf>). Our 2011 email correspondence is attached.

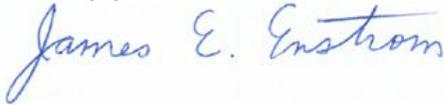
Having received no explanation from Dr. Ritz, I have made further attempts to get an explanation for my omission from the EHS Program Review. I sent an October 8, 2011 email request to Dr. Robert C. Spear of UC Berkeley, who was a member of the EHS External Review Team (<http://www.scientificintegrityinstitute.org/Spear100811.pdf>). Then I sent an October 10, 2011 email request to Dr. Robert G. Frank, Jr. of UCLA, who was Chair of the EHS Review Team (<http://www.scientificintegrityinstitute.org/Frank101011.pdf>). My request to Dr. Frank is attached. I have received no response to these requests from either Dr. Spear or Dr. Frank.

The complete lack of response to my requests raises serious concerns about academic freedom and ethical conduct in EPI. I believe this has occurred primarily because of the lack of academic diversity in EPI. Thus, I request that you and the other members of the EPI Review Team carefully examine and address my above concerns about academic freedom, academic diversity, and ethical conduct in EPI. Also, I request the opportunity to speak with the EPI Review Team directly about my concerns during the February 16-17, 2012 Site Visit at UCLA. At that time I will provide additional evidence that supports my concerns expressed above.

Finally, I want to make clear that the sole purpose of this letter is to inform the EPI Review Team of my serious concerns about EPI. This letter is not to be treated by the EPI Review Team or the Academic Senate Program Review staff as a personal grievance that should be addressed by other UCLA officials.

Thank you very much for your consideration of this important matter.

Sincerely yours,



James E. Enstrom, Ph.D., M.P.H.  
School of Public Health  
University of California  
Los Angeles, CA 90095-1772  
[jenstrom@ucla.edu](mailto:jenstrom@ucla.edu)  
(310) 825-2048

Attachments:

December 5, 2011 National Association of Scholars article “Why UCLA’s Firing of a Lone Dissenting Voice Should Worry Us” by Dr. Geoffrey C. Kabat ([http://www.nas.org/polArticles.cfm?doc\\_id=2303](http://www.nas.org/polArticles.cfm?doc_id=2303)).

October 2010 Enstrom email correspondence with Dr. Beate Ritz (<http://www.scientificintegrityinstitute.org/Ritz100610.pdf>)

October 2011 Enstrom email correspondence with Dr. Beate Ritz (<http://www.scientificintegrityinstitute.org/Ritz100711.pdf>)

October 10, 2011 Enstrom email request to Dr. Robert G. Frank, Jr. (<http://www.scientificintegrityinstitute.org/Frank101011.pdf>)

## FIRE Article

# Encouraging Ruling in Whistleblowing Scientist's Suit Against UCLA

March 26, 2013

by [William Creeley](#)

After 35 years of employment, and many years of disagreement over research on air pollution and its implications for environmental regulations, Dr. James E. Enstrom, assisted by the [American Center for Law and Justice](#), [filed a federal lawsuit](#) against various University of California and UCLA administrators in June 2012. Enstrom's [complaint](#) alleged that UCLA had refused to reappoint him after he engaged in successful whistleblowing against a member of the Department of Environmental Health Sciences.

Last week, a federal district court issued an encouraging ruling in Enstrom's case. On March 18, United States District Judge Jesus G. Bernal signed an [order](#) denying some defendants' motions to dismiss Enstrom's First Amendment retaliation claims.



Specifically, Judge Bernal's ruling denies motions to dismiss Enstrom's First Amendment claims against former Vice Chancellor for Academic Personnel Thomas Rice and Vice Chancellor for Academic Personnel Carole Goldberg. The ruling further grants Enstrom leave to amend his complaint's First Amendment claims against UC President Mark Yudof, UCLA Chancellor Gene D. Block, Dean of the UCLA School of Public Health Linda Rosenstock, and UCLA administrator Barbara Housel. (Department Chair Richard Jackson and former School of Public Health Associate Dean of Academic Affairs Hilary Godwin did not challenge Enstrom's complaint, at least on the grounds that others did, which was that Enstrom had supposedly failed to plead specific facts to support his claims.) To sum this up, some of Enstrom's First Amendment claims are going forward, and none of them are permanently off the table.

Judge Bernal also found that Enstrom may have a due process right to an accounting of how UCLA spent the research and grant funds he brought into the university. Accordingly, the judge denied the motions by Jackson, Godwin, and Housel to dismiss Enstrom's due process claim and granted him leave to amend his complaint with respect to this claim against other defendants.

In other words, Enstrom's case will proceed, having cleared an important early hurdle. As former FIRE President and current ACLJ senior counsel David French [observed](#), this is an important step toward vindicating Enstrom's rights.

*Torch* readers will be familiar with Enstrom's case, which we've been covering since 2010, when Enstrom came to FIRE for help. FIRE [wrote](#) UCLA Chancellor Gene D. Block on August 26, 2010, pointing out that it is unconstitutional to refuse to rehire a faculty member because of his protected expression. FIRE also assisted Enstrom with internal grievances at UCLA and ultimately helped him [win](#) two additional years at UCLA.

Here's the full story of Enstrom's ordeal, as explained in the [press release](#) we issued after Enstrom filed suit last year:

Enstrom has worked at UCLA as a [researcher and professor](#) since 1976, being rehired consistently each year until his ordeal began. Beginning in 2004, he worked in UCLA's Department of Environmental Health Sciences (EHS). Over the years, he and a few of his colleagues have sometimes disagreed strongly about research on environmental health issues—for example, on the extent of the threat to public health posed by certain air pollutants, a topic of Enstrom's research which has been the subject of [intense debate](#) in California because of its implications for state environmental regulations.

Enstrom also was a successful whistleblower whose activism led to fellow EHS faculty member John Froines being replaced on a panel for the California Air Resources Board (CARB). Several members of the panel, including Froines, had been serving beyond the three-year legal limit on their terms of office, and Enstrom's whistleblowing provided part of the grounds for a June 2009 [lawsuit](#) on the issue. Enstrom also blew the whistle on a [fake Ph.D. degree](#) claimed by a CARB researcher.

UCLA's retaliation against Enstrom first became apparent in December 2009, when Enstrom discovered that UCLA had cut off his salary fund and charged his salary against his research funds without his knowledge. In February 2010, Environmental Health Sciences Chair Richard J. Jackson told Enstrom that UCLA was [laying him off](#). Enstrom fought back and kept his job.

After UCLA's first attempt failed, Enstrom learned of further retaliation in June 2010 when the EHS faculty (including Froines) voted not to rehire him because his "research is not aligned with the academic mission of the Department." UCLA also invoked vague and previously unmentioned "minimum requirements," even though his research output was similar to or greater than that of other professors in his department. Enstrom learned he was going to be "[indefinitely laid off](#)" effective June 30, 2010.

Enstrom has demonstrated that his research on environmental health is fully aligned with EHS' research [mission](#) of furthering "extremely interdisciplinary" research "at the interface between human health and the environment."

And here's a video produced by ReasonTV last year focusing on Enstrom's case: [The Green Regulation Machine: Saving the Planet or Killing Jobs?](#)

Of course, we'll be following further legal developments closely.