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## [LOIS HENRY: Science behind air regs more sketchy all the time](#)



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Californian columnist Lois Henry

### **By Lois Henry**

The more I learn about how certain air regulations were concocted, the more ludicrous it all seems. Tomorrow the California Air Resources Board will debate whether to extend the deadline for small trucking firms to comply with rules on PM2.5. (That's tiny bits of fine particulate matter contained in soot, dust and diesel exhaust.)

Truckers will be fighting truckers over table scraps.

What should happen is the whole silly rule should be chucked. And CARB should pay the poor saps who already retrofitted their rigs with filters that, by numerous reports, are a constant source of engine trouble. And I'm not even talking about the CARB-approved brand that caused a huge fire in Washington state a couple years ago and had to be recalled.

Seriously, when I think about how badly CARB has fumbled this entire rule (including fraud by one of its main scientists!), it's hard to get to my main point without going off on a tangent at every step.

OK, the main point is this: the federal EPA now admits it doesn't have the underlying data for studies it used back in the late 1990s to deem PM2.5 a killer.

Not only that, but admitted EPA con artist and thief John Beale was the driving force behind these air quality standards as a means to aggrandize himself and boost his salary. (More on him in a bit.)

I swear, you can't make this stuff up.

Follow along.

In the late 1990s the EPA, at the urging of Beale, set national ambient air quality standards (NAAQS) for ozone and PM2.5.

CARB, in turn, piggy backed on the EPA's zeal, deciding that diesel PM2.5 is a highly toxic subset of overall PM2.5. Hence the draconian "truck and bus" rule, which was birthed in 2008 and will be debated, again, tomorrow.

The start of it all, however, goes back to studies known as the Harvard "Six Cities" Study and American Cancer Society's "Cancer Prevention Study II."

Those studies used population data sets tracking where people lived, worked, their lifestyles and the manner of their deaths.

The studies found a weak correlation (please note: correlation does not equal cause) between exposure to PM2.5 and total mortality.

The studies were controversial even at the outset as miscalculations were discovered that drove the estimated deaths in one study down from 40,000 a year to 15,000, or, 1,000, per one researcher. And they relied on data primarily from the 1980s, which was a decade old.

Despite the many noted problems with the studies, EPA made a "policy call" to use the studies as the basis for its 1997 NAAQS, according to a report released last month by the minority staff (that means Republicans) of the Senate Committee on Environment and Public Works.

Interestingly, CARB chairwoman Mary Nichols was right in the mix in the EPA Office of Air and Radiation.

She testified to Congress that she deferred to her then deputy, Beale, on the merits of the "Six Cities" and "CPS II" studies as she "didn't have as much detailed knowledge" as Beale.

Fascinating.

In 2009, Nichols had to admit publicly that she knew another scientist in her employ had lied about his credentials as the lead author on a key health effects study used as the basis of the truck and bus rule. But she kept that information to herself while the CARB board voted in 2008 to approve the rule, because she "knew the science" behind the supposedly fatal effects of diesel PM2.5.

Now it turns out she may not have read the core studies that first proclaimed a connection between death and PM2.5. That, or she simply doesn't care what the science really says because she's more interested in a political agenda.

In any event, numerous researchers have been asking for the underlying data sets of the "Six Cities" and "CPS II" studies to see if the results could be reproduced.

With the exception of one Canadian research team headed by Daniel Krewski, no one has ever been granted a peek at the data behind the curtain.

In 2000, under the auspices of the Health Effects Institute, Krewski's team did a reanalysis of both studies using the original data and the exact same methodology as the original authors of these studies.

Surprise, he got the same results.

A true reanalysis should look at the data using several different methodologies to see if the results still hold up.

So, the quest for data continued with the EPA stonewalling the House Committee on Science, Space and Technology to the point the committee subpoenaed the data from EPA on Aug. 1, 2013.

The EPA finally admitted in March that it could not provide the committee the data required for a proper reanalysis.

Their quest for data at a standstill, several members of the committee launched H.R. 4012 to prohibit the EPA from ginning up regulations based on scientific information that isn't open to the public.

It's hard to fathom an argument against that approach. OK, so back to Beale.

This is the dude who claimed he was a spy for the CIA and missed 2-1/2 years at his job at the EPA over the last decade claiming he was on "missions." He was sentenced to 32 months in prison for defrauding the government out of nearly \$900,000 in unearned pay and bonuses.

Beale was hired at a high level with the EPA in 1987, despite having no legislative or environmental policy experience, by his best friend Robert Brenner, according to the Senate minority report.

The two bureaucrats, accountable to no one, pushed the air standards despite serious scientific uncertainties and warnings from economists that the rules would do more harm than good. Worse, it appears the buddies fudged numbers on purpose.

"EPA's analytic errors (were) not inadvertent," economists in the Office of Information and Regulatory Affairs wrote about the 1997 fracas over national air standards, according to the Senate minority report. "They were the result of efforts to convince the public that the rule was reasonable when the facts indicated otherwise."

And remember who Beale was working for at the time -- CARB's very own Nichols.

Rickety science pushed by unaccountable bureaucrats, secrecy, manipulation, fraud and outright lies.

That's quite a legacy Beale has left for us.

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