



Linda S. Adams
Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
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Arnold Schwarzenegger
Governor

December 17, 2008

James E. Enstrom, Ph.D., M.P.H.
Jonsson Comprehensive Cancer Center
University of California
Los Angeles, California 90095-1772

Dear Dr. Enstrom:

Your inquiry to Board member Sandra Berg has been referred to my office for a response. I understand that Jim Behrmann of the ARB staff has spoken to you about your inquiry and about your June 17, 2008, letter to Senator Don Perata that you provided to Ms. Berg. As Mr. Behrmann explained, we would like to clarify the various issues you raised in your letter, and your interest in petitioning the Air Resources Board (ARB) to review its 1998 decision to list particulate emissions from diesel-fueled engines as a toxic air contaminant. This letter summarizes our understanding of your request and the information we ask be included as part of any petition to reconsider the listing of a toxic air contaminant.

Your June 17 letter outlined your petition request, and also raised concerns about the ARB's health effects estimates and calculation of the economic costs relating to the Goods Movement Emission Reduction Plan. You also noted a separate concern that ARB has allowed members of its advisory Scientific Review Panel (Panel) on Toxic Air Contaminants to serve longer than their three-year terms and a related concern about how appointments to the Panel are made. It is my understanding that your issues relating to ARB's Goods Movement Emission Reduction Plan were the subject of a conference call with ARB staff last July and that those discussions are ongoing.

Your concerns regarding appointments to the Panel were addressed in a July 21, 2008, letter to you from our Board Chairman Mary Nichols. New appointments by the Secretary for Environmental Protection are made from a pool of nominees created by the President of the University of California as required by law. As explained in Ms. Nichols' letter, the law does not require that members be replaced every three years and in fact provides that members may continue to serve until they are reappointed, resign or are replaced. In your conversation with Mr. Behrmann, you stated that your interpretation of the law is that reappointments also require that nominations be sought from the President of the University of California. We have examined that particular issue and respectfully disagree with your interpretation.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

