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EDITORIALS

Sacramento stench

What did state air board boss know and when?

On Dec. 12, the state Air Resources Board approved sweeping new rules governing diesel emissions, winning applause from environmentalists around the nation who said that once again California was blazing a path for the world.

Within days, however, a *Union-Tribune* editorial writer had confirmed allegations that Hien T. Tran — the lead scientist and coordinator of the study used to justify the stringent new diesel regulations — had falsely claimed to have a Ph.D. in statistics from the University of California Davis.

Since then, four things have happened — one good, three bad.

On the positive side, an aide to Gov. Arnold Schwarzenegger immediately said the right thing: "We expect ARB to thoroughly investigate the matter and take the appropriate actions."

On the negative side, air board spokesman Leo Kay said his agency would not explain what it was doing in the Tran matter because of state privacy laws. We consulted with Terry Francke of Californians Aware, one of the leading experts on the California Public Records Act. Francke said the air board was ignoring a long history of legal precedents requiring disclosure of disciplinary actions and investigative findings involving non-public safety public employees, as well as precedents requiring disclosure of such employees' occupational history and qualifications. Provided with Francke's legal citations, Kay had no further substantive comment.

Further on the negative side, in

the comments sections of the online editions of the *Union-Tribune* and *The Sacramento Bee*, a seemingly coordinated effort emerged to try to change the subject from Tran's falsehood to the history of UCLA epidemiologist James Enstrom, who first raised the question of Tran's qualifications in a letter to the air board and in meetings with three board members. What does Enstrom's occasionally controversial past have to do with Tran's deception or its implications for the air board's integrity? Nothing.

The third and final dispiriting development: Air board Chairwoman Mary Nichols refuses to answer whether she was aware of the allegations about Tran before the Dec. 12 vote — justifying her refusal with inventive interpretations of state law and the federal Freedom of Information Act.

This reeks. Instead of quickly declaring that

Tran's work would be scrutinized by independent outside experts — the standard next step in cases such as this — the air board is attempting to keep its actions secret in defiance of state law. Meanwhile, its allies promote red herrings.

You don't have to be a cynic to wonder if all this is being done because key air board officials knew about the Tran allegations before the Dec. 12 vote but just didn't care. They were too eager to take their victory laps for their landmark new rules.

If this proves true, this is a genuine scandal — not just a possibly minor flap over of a prominent bureaucrat falsifying his resume. Unfortunately, if Nichols and the air board get their way, we may never get to the truth.



Mary Nichols

LETTERS TO THE EDITOR

HOT SEAT

Bryan Bloom

The president of Priority Moving talks about how his business is being buffeted by new rules from the California Air Resources Board.

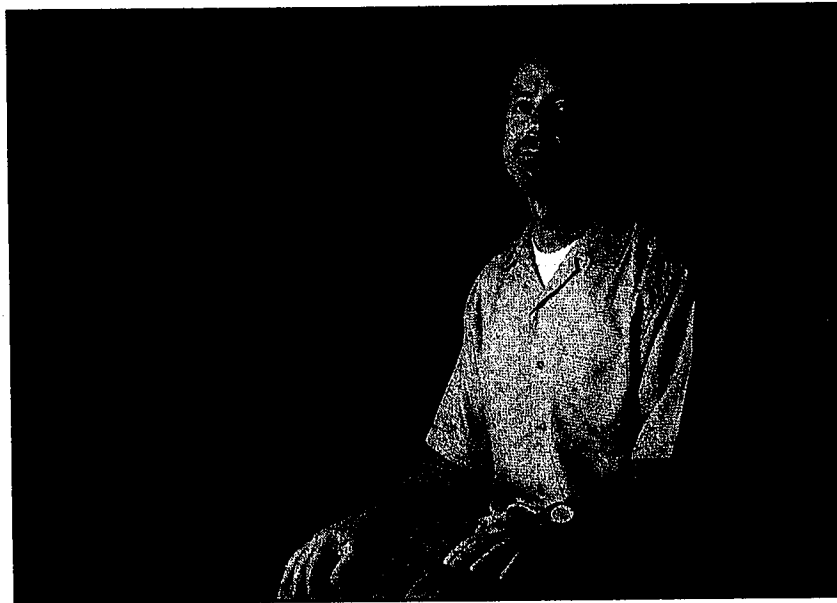
Tell us about your company. How many people work for it? Has it grown over the years?

Priority Moving is an award-winning San Diego moving company started seven years ago that performs over 1,500 moves per year with over 30 employees.

The air board depicts itself as very concerned about the effects of its rules on the economy. How worried were you when you heard the board was going to get tough on diesel emissions?

Very worried, extremely worried. The CARB regulations are of major concern to businesses whose livelihoods depend on diesel trucks. I earned a UC San Diego science degree and a UC Berkeley master's in business administration. CARB research shows a vague correlation between diesel exhaust and health risks but does not show any direct cause/effect relationship — and there is a huge difference. Also, true peer review of the CARB findings was not done. CARB's science and assumptions have come into question in the national media and many prominent scientists disagree with the CARB findings.

Now stringent new rules have been adopted. What is the likely effect on your company and its rivals? Do you believe



your concerns were considered?

The CARB has dictated that our trucks will soon no longer be legal. We can throw out or replace perfectly good trucks or in some cases spend upward of \$25,000 per truck to retrofit them for a few more years of use. This is insanity and disastrous at a time when the California economy needs more jobs, more revenue and more economic activity.

In the local moving industry, we put very few miles on our vehicles

hundreds in California that will be severely and adversely impacted by the CARB ruling. We are considering moving to another state where we won't be considered outlaws for using our existing trucks. Even if we wanted to or could afford to replace our perfectly good trucks, financing isn't available to do so. The CARB rules will needlessly squash our California success story like a bug.

San Diego County Supervisor Ron Roberts is on the air board and says he wants to make sure the new rules don't severely hurt businesses. What is the one thing you most want Roberts to fix?

Supervisor Roberts must persuade CARB to suspend its new diesel regulations until the numerous concerns of the impacted businesses and the dissenting scientists are properly addressed. Realistic and reasonable changes to the rules may include lengthening the time to phase out trucks, exemptions for industries such as local moving and construction that put few miles on their trucks (and thus produce minimal diesel exhaust) and a much less expensive way to retrofit existing diesel trucks. Supervisor Roberts needs to ensure that the CARB science is sound and that there is true peer review as required by the California Legislature.

— I have a 2001 truck with 80,000 miles on it. CARB's rules will have a severe negative impact on employment, my industry and related industries, and the overall California economy. Over 500 impacted entities submitted written and/or oral comments or concerns to CARB, and the passing of the rules showed CARB's lack of concern and consideration for California business and industry.

My main assets are employees and trucks. Our company is one of