



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

ARNOLD SCHWARZENEGGER
GOVERNOR

January 22, 2009

Damien M. Schiff, Attorney
Pacific Legal Foundation
3900 Lennane Drive, Suite 200
Sacramento, California 95834

Dear Mr. Schiff:

This letter is in response to your July 16, 2008 letter regarding appointments to the Scientific Review Panel on Toxic Air Contaminants.

The Panel is a technical peer review committee established in state law (Health and Safety Code section 39670) that is responsible for advising the Air Resources Board (ARB), Department of Pesticide Regulation (DPR), and the Office of Environmental Health Hazard Assessment (OEHHA) on matters relating to air toxics and risk assessments. You point out some of the statute's requirements about members' qualifications, and that members are appointed by the Secretary for Environmental Protection as well as by the Legislature from a pool of nominees submitted to each appointing body by the President of the University of California.

Scientific Review Panel members are appointed to staggered three-year terms and pursuant to Government Code section 1302 may continue to serve until they are reappointed, resign or are replaced. Accordingly, in some cases members have not been reappointed when their three year terms ended. As terms end, however, our current practice is to appoint qualified new members or to reappoint qualified current members based on their individual expertise and their ability to contribute to the Panel's peer review responsibilities. While our current and past practices are legally sufficient and have resulted in a stellar Panel, I believe your suggestion of consulting with the University of California Office of the President on reappointments as well as new appointments has merit, and we will look into implementing it. Even long term members deserve to be formally reappointed every few years. And it is always good to cultivate new talent. Nevertheless, there is no requirement that members be replaced when their three year terms expire and automatically doing so could deprive the Panel of valuable expertise.

The ARB, DPR and OEHHA rely on the Scientific Review Panel to provide objective and independent critical reviews of candidate toxic air contaminants, risk assessment guidelines, and methodologies to assure that our risk assessment procedures adequately protect infants and children where they may be more sensitive to the adverse effects of exposure to certain chemicals. Again, some of your suggestions about the appointment process may help assure the Panel's continued excellence and we will look into implementing them.

Thank you again for your suggestions. If you have any further questions, please contact Mr. Kirk Oliver of the ARB staff at 916-324-4581.

Sincerely,

A handwritten signature in cursive script that reads "Linda Adams".

Linda Adams
Secretary for Environmental Protection