

# **UCLA Daily Bruin July 15, 2013**

## **UCLA professor resigns from air quality panel**

July 15, 2013

BY AMANDA SCHALLERT

UCLA professor John Froines recently announced plans to resign from a panel of scientists charged with evaluating possible threats to air quality in California after serving on it almost 30 years.

Froines, a professor in the UCLA Department of Environmental Health Sciences, said in a statement released last week that he plans to step down midway through his term as chair of the California Scientific Review Panel on Toxic Air Contaminants on Aug. 1. He has chaired the panel since 1998.

Froines's resignation comes after multiple controversies surrounding his position on the panel.

While he served on the panel, the state legislature did not follow formal appointment protocol. Additionally, there have been claims that Froines conducted independent research with the panel while maintaining ties to other scientists who disapproved of the chemicals he was evaluating, creating a conflict of interest.

The panel consists of nine scientists selected from a pool of California researchers by the state's legislature and the California Environmental Protection Agency secretary, according to the panel's website.

As part of the California Environmental Protection Agency, the panel evaluates possible air contaminants and advises three different California departments on the risks of those chemicals and their effects on air quality and human health.

In his resignation letter sent Monday, Froines wrote that his reasons for leaving the council were "straightforward."

"I want to spend time with my family and travel, but most importantly to continue my chemical/biologic toxicology research at the UCLA School of Public Health," he wrote.

Froines declined to comment on his resignation beyond the statement.

During the time Froines served on the panel, he and other members were not appointed and reappointed to the panel using formal protocol.

Froines and four other members of the panel were replaced in 2010 after a lawsuit was filed against the state for not following proper appointment procedures, according to Daily Bruin archives.

State law calls for the legislature and the California Environmental Protection Agency to appoint or reappoint panel members every three years from a candidate pool.

The legislature and the California EPA did not follow formal appointment protocol, however, resulting in the 2010 lawsuit.

Froines returned to the panel after just a few months, in November, though another chair had been appointed to lead the panel by that time.

Last February, the assembly re-appointed Froines for another three-year term —which would last until January 2015.

In the months before Froines resigned, the Bakersfield Californian published multiple columns that publicized UCLA's refusal to disclose all of Froines's personal responsive emails, despite requests from a company that produced a chemical the Scientific Review Panel had evaluated.

In 2009, Froines and the panel were tasked with evaluating the chemical methyl iodide, which was manufactured by Arysta LifeScience a corporation that makes insecticides and fungicide products.

After conducting research, the Scientific Review Panel issued a report documenting the harmful effects of methyl iodide. Arysta LifeScience then requested the UC disclose public records in July 2010, including Froines's emails.

UCLA took about 10 months to disclose the records and never agreed to send the entirety of the request, despite protests from the Arysta LifeScience lawyer, according to two year's worth of email communications between the lawyer and Kevin Reed, the UCLA Vice Chancellor of Legal Affairs.

Some of the public records showed that the CEO of the Pesticide Research Institute emailed Froines a report conducted by a federal body, assessing the chemical methyl iodide.

Froines was sent the report even though he and the panel were tasked to conduct their own independent evaluation of methyl iodide in 2009.

One email contained a message from Froine's assistant — Elinor Fanning — in 2009 saying Froines would support UC Berkeley Professor Robert Bergman, who sent the United States Environmental Protection Agency a letter calling methyl iodide "highly toxic."

“John talked with Bergman last week, and we want Bergman to know that we would support him in any way possible going to the governor, etc. but that we have to remain behind the scenes at the moment,” Fanning wrote. “John has to protect his position as chair of the review committee for the time being.”

Steve Ritea, the associate director of university communications, said he disagreed with allegations that Froines had any conflict of interest while conducting research.

“(Froines’s) work resulted in important government regulations, often opposed by industry, that today protect countless citizens and have undoubtedly saved many lives,” Ritea said in the statement. “It is unfortunate that those politically opposed to government oversight of industry have chosen to level baseless allegations against Professor Froines.”

The legislative assembly will choose a new chair for the Scientific Review Panel from a pool of applicants to serve out the remainder of Froines’s term.

Compiled by Amanda Schallert, Bruin senior staff.

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## UCLA Daily Bruin September 27, 2013

### State senators accuse UCLA of withholding professor's records

September 27, 2013 1:41 am More stories in [Campus](#), [News](#)

By [Amanda Schallert](#)

Two state senators have accused UCLA of withholding the records of a professor in the Department of Environmental Health Sciences from the public, the most recent development in a conflict that has lasted about three years.

The two California senators – Minority Leader Bob Huff (R-Diamond Bar) and Jean Fuller (R-Bakersfield) – started corresponding with UCLA about Professor John Froines's public records earlier this year, when they noticed UCLA had not disclosed all of Froines's emails in a past records request.

Controversy over the records dates back to July 2010, when insecticide and fungicide manufacturing corporation Arysta LifeScience filed a records request asking for communications between Froines and other scientists that might show he engaged in actions that constituted a conflict of interest.

Over the past seven months, UCLA Vice Chancellor of Legal Affairs Kevin Reed and the senators have exchanged three letters. The most recent letter, sent from the senators to Reed on Sept. 13, demanded that UCLA disclose all of Froines' related emails. Reed was not available for comment.

The senators claimed that UCLA has repeatedly changed its reasons for not releasing all of Froines' emails in response to the records request. Huff and Fuller could not be reached for comment.

Froines [resigned last month from his position as chair of the California Scientific Review Panel on Toxic Air Contaminants](#), an organization within the California Environmental Protection Agency, even though he was midway through his term.

In his resignation letter, he said that he intended to spend more time with his family, to travel and to continue his research on biological toxicology at the UCLA School of Public Health.

Froines served 30 years on the panel, which is tasked with independently evaluating contaminants that could be harmful to air quality in California.

Because the Scientific Review Panel is supposed to conduct independent research on chemicals and toxins, scientists on the panel may not have ties to other people with strong positions for or against any possible air contaminants, which could create a conflict of interest.

The panel released a report in 2009 stating that methyl iodide was harmful to air quality. Arysta LifeScience's request for Froines's records in 2010 asked for communications between him and other scientists who had expressed disapproval of methyl iodide at the time Froines was evaluating the chemical.

In one instance in 2009, Froines' Assistant Elinor Fanning sent an email to Susan Kegley, CEO of the consulting firm Pesticide Research Institute, stating Froines' support of UC Berkeley Professor Robert Bergman, who had previously called methyl iodide "highly toxic" in a letter to the United States Environmental Protection Agency.

"John talked with Bergman last week, and we want Bergman to know that we would support him in any way possible – going to the governor, etc. – but that we have to remain behind the scenes at the moment," Fanning wrote in the email. "John has to protect his position as chair of the review committee for the time being."

UCLA took about 10 months to give Arysta LifeScience its requested records, and decided to withhold some of the requested records on the grounds that releasing them would violate Froines' academic freedom and privacy. The university also said they could not produce some emails because Froines and Bruin OnLine had deleted them.

Two years of written arguments between a lawyer for Arysta LifeScience and Reed followed, but UCLA did not release all of the requested records.

Though the initial Arysta LifeScience records request was in 2010, the conflict over Froines' records is ongoing, with outside parties now in the debate.

[Columns by Lois Henry in The Bakersfield Californian](#) brought the issue to the senators' attention earlier this year.

Peter DeMarco, spokesman for the Senate Republican Caucus and Huff, said he thinks UCLA is wrongfully withholding records from the public.

"Any taxpayer-funded university should heed a (public records request) and recognize that they should be more forthcoming," DeMarco said. "There's a perception that academic freedom exempts from public records and that's simply unfortunate."

The senators wrote that Reed allegedly "changed the story" multiple times, citing different reasons for not producing the emails at different times.

Some reasons UCLA offered were that Bruin OnLine automatically deleted Froines' emails, that Froines deleted his own emails, that releasing the emails would violate the privacy of some students, and that disclosing the emails would violate Froines' academic freedom.

Froines declined to comment for this story.

Steve Ritea, a UCLA spokesman, said in an emailed statement that UCLA has evaluated Froines's contracts and records and has found he engaged in no actions that would constitute a conflict of interest.

The statement also asserts that UCLA complied with the records request and produced all records it should have in response to the request.

“As a public institution, UCLA carefully evaluates all requests for records and makes every effort to produce documents under applicable laws,” the statement read. “However, certain records are withheld in specific instances, including to protect academic freedom.”

UCLA has not indicated any plans to release the records in the future, and the senators have shown no signs of stopping their pursuit of the documents.

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# UCLA Daily Bruin    October 2, 2013

## *Eitan Arom: UCLA shouldn't hide behind academic freedom*

October 2, 2013 1:00 am More stories in [Opinion](#), [Opinion Columns](#)

[Eitan Arom](#)

We like to think our private communications are just that: private. They are insulated, we hope, from the prying eyes of politicians, reporters and corporate lawyers.

For professors at UCLA and other UC campuses – and indeed public employees and officials of all stripes – that privacy is not so certain.

On its face, the lack of confidentiality afforded to UCLA professors is disconcerting, but it's a necessary measure in maintaining the integrity and transparency of a public university.

As government employees, UC professors and their communications are subject to review by “every person in this state” under the California Public Records Act. In the scrutiny applied to UCLA Professor John Froines by two Republican state senators, which [the Daily Bruin reported on Friday](#), this “sunshine” provision can conflict with the principle of academic freedom.

But citing academic freedom as a shield from the law, as UCLA did on Froines' behalf, is problematic. Except in rare instances, the excuse takes liberties with public records law and improperly restricts information.

While the university should do everything in its power to protect its researchers from undue invasions of privacy, taking an open and forthcoming approach to record requests is generally the wisest move.

Anything other than a reasonable willingness to release records suggests that researchers are dealing in furtive speculation and conjecture that, in the wrong hands, could be used against them. Naturally, this picture runs counter to the open and collaborative nature of research.

Froines' case is a specific instance where UCLA could have avoided suspicion by promptly producing its records.

The UCLA chemist drew the attention of the pesticide company Arysta LifeScience in 2010 for alleged improper contact with anti-pesticide groups while serving as [the chairman of a state-operated scientific committee](#) dealing with pollution. The company filed a request for Froines' electronic communications with representatives of certain activist organizations in order to establish if his integrity as chairman had been compromised.

UCLA was less than eager with its response.

The university took 10 months to comply with the request. The university chose to withhold records on the basis of academic freedom – the independence of professors and their work.

In the meanwhile, Froines' case attracted the attention of Republican Senators Jean Fuller and Bob Huff, who sent a letter to Chancellor Gene Block on April 2 questioning the decision to withhold records.

Responding to the senators' letter, Kevin Reed, UCLA vice chancellor of legal affairs, defended the decision, saying “scholars must be afforded privacy in (academic) communications in order to pursue knowledge (and) develop lines of argument without fear of reprisal for controversial findings.”

The argument that professors' communications can be exempted from state law to preserve the independence of their research is mystifying, and even more bizarre given Froines was operating not only as a professor but an official on a state committee.

For one, the California Public Records Act contains no explicit provision protecting professorial or academic communications. Even when they stand on higher moral ground, UCLA administrators do not have the right to legislate or interpret legislation on their own.

To be sure, there are cases when academic freedom is a legitimate argument against releasing records.

Outside parties can use the language of the public records law to interrupt the work of researchers with whom they disagree. For example, the law can be used to request huge amounts of information that absorb the time and energy of the scholars who legally must comply.

The situation is not a hypothetical one. For example, [animal rights groups have used the California Public Records Act](#) to request research grants, medical records and multiple years of autopsy reports in order to disrupt animal research.

When record requests are used punitively and with ulterior motives, UCLA has a legitimate responsibility to refuse on the basis of academic freedom.

But otherwise, denying information to interested parties is counterproductive. In general, any reluctance to provide public records, whether the motives are pure or putrid, looks shady. That's a sad fact of a suspicious world.

UCLA could have avoided the scrutiny of prying politicians by simply providing the records in the first place. If the records turned up no wrongdoing, Arysta LifeScience would have walked away with its tail between its legs, and if the documents had revealed a conflict of interest, the public should certainly know about it.

UCLA should not be allowed to set the dangerous precedent of hiding behind academic freedom.

UCLA walks a line between exposing its professors to attacks from outside parties and respecting the public's right to know. But by being open and unrestrictive with its records, it can avoid looking suspicious and render baseless the accusations of critics.

Science should not be conducted in a climate of fear, but nor should it be protected from the public eye by a cloak of secrecy.

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Objective Observer

• [a day ago](#) (October 7, 2013)

Let me see...a UCLA Professor signs an independent contractor agreement directly with a state agency to perform specific work and produce specific work products for the public under rules that include record retention and access to all communications He receives payment of \$78,000 from that state agency (from public funds). And, all the while, the UC Regents have an active contract governing such contract-work agreements by U.C. academic personnel that also dictates record retention and access, for which the Regents received around \$1 million in compensation. Somehow, in some minds, these patterns of facts are considered academic freedom issues? Not in the slightest. John Froines was neither acting as a researcher nor in his academic capacity under the terms of the independent contractor agreements with the state. And, as a point of clarification, he was the chair of TWO different bodies bound by the Regent's contract--as a political appointee (the speaker of the Assembly appointed Froines as the Toxicology-specialty member of the CA Air Resources Board's Toxic Air Contaminants Scientific Review Panel, and he was appointed Chair of that Panel by the Secretary of the CA-EPA, who was in turn appointed by Governor Schwarzenegger); the committee for which records were sought under the Public Records Act Request was a second body: the Department of Pesticide Regulation Methyl Iodide Scientific Review Committee, for which Prof. Froines was principal contractor, organizer, chair and member, and for which Dr. Elinor Fanning and PhD candidate Sarah Kobylewski were staff members. Exactly WHY should their communications in those official roles under the contracts not be open to the public and to the taxpayers who paid for their services?