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October 20, 2011

California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Attn: Research Screening Committee

RE: Draft Final Report for Contract No. 06-332 "Spatiotemporal Analysis of Air Pollution and Mortality in California Based on the American Cancer Society Cohort"

Dear Committee Members,

I have reviewed the "new" report submitted to your committee. However, I fail to see ANY justification in the report to support the conclusions reached. There appears to be little or no change from the original report that was soundly critiqued on June 9, 2011.

The following statement appears in the notice of public meeting: "The RSC will review relevant written comments received on the scientific methods or other scientific aspects of the research projects". This review should then result in appropriate responses to public critiques. This is not only good practice but required by law. I direct you to Government Code section 11346.9 that states:

"(3) A summary of **each objection** or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change."

I have just received (today) a response from Lynn Terry, Deputy Executive Officer of the CARB, to my letters of June 2, 2011 and June 9, 2011. She stated that the above Government Code section does not apply as my letters were not "specifically directed at a proposed regulation or submitted during a formal public comment period".

Nice dodge.

You now choose to use "specific code language" to nullify the intent of the code and avoid responding to cogent scientific criticisms. And you use that rationale attempting to justify a "Final Statement of Reasons" that was accepted even though it was:

- written by an admitted liar (Tran)
- whose exposure was hidden from the Board by Chair Mary Nichols,
- the report used "expert reviewers" who reviewed their own reports
- and won't release California specific data used to justify conclusions

- while ignoring the Krewski, Pope and Enstrom null effects
- and claiming “causation” of disease from small associations used from observational studies that cannot be replicated over 90% of the time,
- and could not be submitted to a Federal Court as evidence of anything due to their lack of a strong enough association
- while ignoring real health effects caused by economic deprivation caused from the proposed regulations.

As to the issue at hand, I must assume that the “public comment period” is now officially open (see paragraph two above). This “new” report, whose entire purpose is to justify previously passed regulation, does not address the many scientific comments made rebutting the conclusions reached in the original report posted on June 6, 2011. In addition, the RSC has not responded to any of the “relevant written comments” by several authors, (including my own) that were all submitted during the prior “public comment period”.

I submit to you that Ms. Terry’s one page “blow-off” of “specific scientific criticisms” that were submitted timely during a “public comment period” and met the intent of Government Code section 11346.9 can only be viewed as arbitrary and capricious. I also submit to you that the Final Statement of Reasons was improperly accepted for regulation, per notations above and numerous others previously supplied to the Board. For the RSC to accept a California Specific Study that was almost two years overdue that was to supply the specifics whether a regulation was needed and AFTER THE REGULATION HAS PASSED is beyond imagination, especially one whose evidence does NOT support the conclusion stated.

To assist you in reconsidering my June 9, 2011 letter (at a minimum), I have attached a copy to this letter (specific Government Code language notwithstanding). As (supposed) responsible members of a public body, I hereby request you deny the approval of this report until you have responded to all of the scientific criticisms presented by your employers, the California tax payers.

Sincerely,



Skip Brown
Owner

Cc: Lynn Terry