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Research Screening Committee Members

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

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

Ladies and Gentlemen of the Screening Committee,

Your have a choice in your consideration of this study by Dr. Michael Jerrett and many Co-Authors on whether you will properly execute your duties to assure good science informs good policy making, or you can be complicit in a scientific fraud of great magnitude. This study and report, particularly its conclusions, are a scientific fraud that not only ignores the rules of epidemiology and good human health effects science, but are complicit in fraudulent activity that uses public moneys, by faculty members of the University of California and others who put their names to the study.

I have reviewed the "Jarrett" study, paid for by 750,000 taxpayer dollars, which is an important consideration expanded on herein below. The Jarrett 3 year effort is based on assumptions that are derivative of previous studies, but in the main it is a modeling exercise intended to dredge for proof that there are small particle air pollution deaths that justify a California Air Resources Board small particle regulatory regime. Nothing in this expensive desk top computer modeling study is adequate to the task. After all is said and done, now looking at the Jarrett study, it shows no evidence that current ambient small particles in the air of California air are killing anyone.

Here is where the fraud begins, members of the Screening Committee.

The models failed to provide the proof that Dr. Enstrom was wrong in 2005 when he said there is no small particle death effect in California. The elaborate Jarrett study confirms what Jarrett admitted in February of 2010, that he could find no human health effect from California small particle air pollution. The study presented to the committee fails to disprove or contradict the assertion of Dr. Enstrom in 2005 or the admission of Dr. Jarrett in 2010 that CARB claims of deaths from small particles were not evident in his research. Dr. Jarrett in 2010 was admitting that, even as the chosen researcher for CARB, he could not find evidence to show

death effects from small particles in the air.

The only model in the elaborate and thick Jarrett study before you that provides even a glimmer, A GLIMMER, for the CARB agenda of small particle regulations failed when the minor relative risk of 1.08 was combined with a confidence interval that included 1.0. ATTENTION, LADIES AND GENTLEMEN OF THE SCREENING COMMITTEE—THAT MEANS THAT THE JARRETT STUDY SHOWS NO SMALL PARTICLE EFFECTS. PERIOD. NONE, IN ANY OF THE MODELS OR ALTERNATIVE SCENARIOS.

However, because this is such a scandal, and because criticizing Dr. Jarrett's study is so easy, I would like to list a few points for your consideration: ,

1. The Jarrett study, if intended to show small particles kill, came a cropper (that means it failed, folks), since it fails in every effort to find significant evidence that small particles kill Californians. In fact it shows what we all knew, that Californians are not dying from small particles. All of the studies showed effects with a confidence interval that crossed or included 1.0. As Bugs Bunny would say—that's all folks! You have nothing to hang your hat on and approval of this study will show your lack of good faith.
2. All 9 modeling exercises, intended to dredge for proof to support CARB had no effects that escaped the confidence interval that made them mean nothing—NOTHING. The studies showed the confidence intervals meeting or crossing 1.0, confirming that there is of NO EFFECT of small particles on premature death in California from small particles of 2.5 microns or less.
3. When the 9 studies offered by the Jarrett study show no effect, any CARB decision to pursue the Small Particle regulations would not only violate a committee public duty to pursue policies that are based on sound science, I WOULD ARGUE THAT SUCH A DECISION BY CARB WOULD INDICATE COMPLICITY BY THE COMMITTEE AND BY CARB LEADERSHIP IN A FRAUD, A FRAUDULENT STUDY PAID FOR BY THE BELEAGUED TAXPAYERS OF CALIFORNIA WHO COULD HAVE BEEN SPARED THE THREE QUARTERS OF A MILLION DOLLARS WASTED ON THE STUDY.
4. I would remind the review committee that complicity in a fraud exposes individuals, either in their official or their individual capacities as parties to misuse of taxpayer funds.

I will not belabor the members of the committee with the epidemiological rules and the toxicology rules that are applicable to studies such as the Jarrett study. Suffice it to say that Federal Judicial Rules of Evidence specify that scientific evidence such as that contained in the Jarrett study should be reliable and relevant for the case in hand—the question of whether CARB has the science to justify its policy decisions.

The misrepresentation and fraud of the Jarrett group and the Jarrett study is most evident in the conclusions. The authors state “We conclude that combustion-source air pollution, especially from traffic, is significantly associated with premature death in this large cohort of Californians.” A reasonable citizen reviewer of the study, knowledgeable in the science of epidemiology would ask--how could the authors use words like “conclude” or “significantly associated” when they have nothing in the study to support an assertion?

Have the authors sold their scientific integrity for \$750,000? Are they implicated in a fraud on the citizens of California, claiming their “show nothing” study is adequate to support a new ambitious and onerous CARB regulatory regime focused on small particles?

There is retribution in the law for fraud on the taxpayers. Laws were enacted to prevent dishonest and

fraudulent use of public moneys. Committees that fail to recognize their responsibility as fiduciaries for the taxpayers could also be considered complicit in the fraud if they have been properly warned.

This letter is proper warning to the members of the review committee.

Consider your options when I am telling you, as an experienced and knowledgeable man of science and the law. You and the CARB and the scientists involved in this disgraceful study may have to answer questions on whether the study was properly conducted, but more importantly, were the conclusions proper, given the evidence or, were those conclusions bought and paid for?

Respectfully,

John Dale Dunn MD JD