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## **LOIS HENRY: Air board must be held accountable**

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Here's a topic for the next governor's debate: If elected, would you investigate the California Air Resources Board for fraud?

Oh, did I say the "f" word?

Absolutely.

This agency is out of control and, I believe, has perpetrated an outright fraud on the people of this state.

And, no, I'm not just talking about how the agency was recently forced to admit it was wrong about the amount of diesel emissions that heavy construction contributes to air pollution.

*(They were off by 340 percent and had even "overestimated" how much diesel fuel was being used per year, saying the industry used 1 billion gallons a year when it was closer to*

*250,000 gallons a year. The correct information was readily available through the Franchise Tax Board, by the way.)*

Nor the fact that, per its own report on Aug. 31, the number of people who supposedly die prematurely due to exposure to PM2.5, tiny particulate matter such as dust and soot, inexplicably dropped from 18,000 to 9,200.

*(In two CARB reports from 2006 and 2008, used to justify regulations of off-road construction equipment and on-road diesel trucks, premature deaths were pegged at 18,000. About 3,500 of those were supposedly due specifically to diesel PM2.5. CARB's Aug. 31 report claims the number of premature deaths is now 9,200 with no explanation for the decrease and no mention of the 3,500 supposed diesel PM2.5 deaths. Curious.)*

And, though this is reason enough for a fraud investigation, I'm not referring to revelations that the man who wrote those 2006 and 2008 reports lied about his credentials.

*(When that issue was brought to the attention of CARB board chairwoman Mary Nichols and at least three other board members, it was not shared with the full board until after a critical vote for draconian new rules limiting emissions from on-road truck emissions. Can you say coverup?)*

And I'm not even using the "f" (fraud! Come on, this is a family paper!) word because more and more science is showing there is little to no evidence of premature deaths in California caused by exposure to PM2.5.

*(Last February, Michael Jerrett a UC Berkeley scientist hired by CARB to look at California specifically, gave preliminary results showing zero effect of PM2.5 on all mortality. Oh, and that new CARB health report put out Aug. 31 relies on a 2009 national study that shows there is no mortality effect in California from these emissions.)*

Incredibly, there's more.

Remember James Enstrom? He's the UCLA scientist who did a study in 2005 of older Californians that showed few if any premature deaths from PM2.5 exposure and tried to get someone, anyone's, attention over at CARB.

Not only was his study essentially thrown away, his employment at UCLA is now under threat. He's apparently in trouble for voicing concerns about CARB's recklessness. Well, while Enstrom's been waiting for the appeals of his dismissal to run their courses, he's done a little digging, specifically into the 2009 Health Effects Institute report that CARB and the Environmental Protection Agency used to gin up this new PM2.5 death toll of 9,200.

The study was actually an extended follow-up of a 2000 Health Effects Institute report looking at PM2.5's effects nationally. It was done by Daniel Krewski and co-authored by Jerrett, who's now doing the California-specific study for CARB, which Krewski is also working on, by the by.

At the urging of the California Dump Truck Owner's Association, Krewski did a separate analysis that teased out the California specific information from his 2009 Health Effects Institute follow-up study. Statistically, this analysis showed hardly any premature deaths from these particulates.

In a letter to CARB, Krewski warned that because so few areas in California were used (Fresno, San Francisco, San Jose and Los Angeles counties), the information was statistically limited.

Even so, Enstrom was curious about Krewski's information and delved more deeply into the numbers.

Using as much of Krewski's data and methodology as he could glean from the 2000 Health Effects Institute report, Enstrom ranked the areas that were monitored for levels of PM2.5 and assessed their relative risk for premature deaths.

Fresno ranked third lowest for levels of PM2.5. Hmmm. We're not even allowed to light fires on cold winter nights in the Central Valley for fear of the dreaded PM2.5. San Francisco and San Jose ranked eighth and ninth lowest, respectively, and Los Angeles was 39th out of the 49 areas originally monitored (in 2009 Krewski extended the study to include 116 cities).

When he assessed relative risk of premature death and averaged it for each geographic region, Enstrom found that California ranked well below the national average for risk. He double-checked his numbers using other studies, including Jerrett's preliminary results and two other independent studies, and found them consistent.

All of Entstrom's number-crunching also fits perfectly with a map in the original 2000 Krewski Health Effects Institute report, which showed levels of PM2.5 and mortality risk for the 49 areas across the U.S. Then using another Krewski chart showing PM2.5 and mortality risk, Enstrom ranked each area. In that ranking, Fresno is 2nd lowest in mortality risk and Los Angeles is fifth lowest of the 49 areas.

That compliments another study of Medicare enrollees in the western U.S., by Scott Zeger, 2008, that showed while Los Angeles is high in PM2.5, its total associated death rate is low.

"What this means is there absolutely is geographic variation in PM2.5 mortality risk and I think Krewski and Jerrett must have known this for at least the last 10 years," Enstrom said. "Instead of bringing it to someone's attention they've watched their work be used in ways that are unacceptable."

Not only by CARB. The EPA is about to lower the national standard for PM2.5 from 15 micrograms per cubic meter to 11.

"Which just makes no sense considering the obvious geographic variation," Enstrom said. "And it certainly makes no sense in California when there's no relationship between PM2.5 and premature death.

"It's a complete misrepresentation of the science."

And that's where I believe fraud comes into play.

Some people -- especially CARB's leadership -- must have known about this information for years. But these are the same people holding the state's regulatory reins. That means power.

And power, as we all know, is far more toxic than even the most deadly PM2.5.

*Opinions expressed in this column are those of Lois Henry, not The Bakersfield Californian . Her column appears Wednesdays and Sundays. Comment at <http://www.bakersfield.com>, call her at (661) 395-7373 or e-mail [lhenry@bakersfield.com](mailto:lhenry@bakersfield.com).*