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Susan Shelley: Clean-air agency rakes in high fees and higher salaries

By [Susan Shelley](#), LA Daily News

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California lost 32,000 manufacturing jobs between 2009 and 2013, and Los Angeles County lost another 4,700 over the last year.

The occupations projected to have the greatest job growth in California by 2022, according to the Employment Development Department, are personal care service provider, home care aide, food preparation worker or server and office administrative support employee.

Enjoy those student loan payments.

The good-paying jobs that left California are only part of the story. No one can know how many jobs never came to this state at all because of high taxes, high energy costs, abusive lawsuits and regulatory agencies that have become unreasonably costly and burdensome.

One such agency that's mentioned often — by people who are afraid to have their names used — is the [South Coast Air Quality Management District](#).

The story you are about to read is partially true.

It was a chilly day in prehistoric California, and a cave man was rubbing his hands together to keep them warm.

This gave him an idea. He picked up two rocks and rubbed them together energetically. A tiny spark of light flew off the rocks' surface. He picked up two heavy twigs and tried rubbing them against each other and against the rocks.

He worked for an hour, trying different combinations, until an amazing thing happened. Heat and light radiated from the bits of wood on the cold dirt. The cave man found more twigs and threw them on the fire, and then he used rocks to build a low wall encircling the flames.

That's when a man in a suit came running up to him, flashing a shiny leaf. "I'm from the South Caves Air Quality Management District," he said. "[Wood-burning fireplaces are not allowed in newly constructed homes.](#)" (This is an actual SCAQMD regulation.)

"Aggggh," the cave man said.

"And you have installed an unpermitted charbroiler," the man said. "The SCAQMD's permit fee is \$3,835.06 plus the Administrative Permit Revision Fee of \$997.27, a total of \$4,832.33." (This is the actual application fee for an SCAQMD permit for a charbroiler.)

"And because you failed to obtain a permit before installation, you owe 50 percent of the permit fee as a penalty, another \$1,917.53." (This is the SCAQMD's actual policy.) "You owe us \$6,749.86. We take cash or checks."

"Oof," the cave man said.

"If you plan to heat water over that fire you need a permit for a boiler," the regulator continued. "That's another \$4,832.33 and you'd be wise to pay it now, before you incur another penalty."

"Ug ERF guhtuk," the cave man suggested.

The man looked hurt. "We have bills to pay too, you know. Why, [just the salaries in our agency add up to over \\$70 million a year.](#) Our Executive Officer is paid over \$305,000, plus \$131,000 in retirement and health benefits. (Barry R. Wallerstein's actual 2013 compensation, in pay and benefits, was \$436,285.) And our Deputy Executive Officer for Engineering and Compliance — he's the one you'll meet if you don't get this charbroiler permitted — is paid close to \$200,000 a year. (Mohsen Nazemi's actual 2013 compensation, in pay and benefits, was \$292,873.)

"Erf," the cave man said.

"Have you maintained the proper records for this equipment?" the man asked. "I need copies of all your inspection reports."

"Ugggggggh," the cave man said.

"On another subject," the man continued cheerfully, "the SCAQMD's [annual awards luncheon at the Biltmore](#) is coming up, maybe you'd like to buy a table. Also, the Governor's Appointee to the Board is having the annual fundraiser for his nonprofit organization. I'm told there are still a few openings for Bronze Age sponsors. It's a wonderful opportunity. You get an ad in the program, four tickets for dinner, recognition from the podium...."

"Aggggh," the cave man said.

"Or the Platinum sponsorship," the man winked. "That includes the VIP reception."

"Ugggggh," the cave man said.

(The SCAQMD actually did have an annual awards luncheon at the Millennium Biltmore Hotel on Oct. 2. And the Governor's Appointee to the SCAQMD Board, environmental justice advocate [Joseph K. Lyou](#), has been paid \$100,000 a year as the president and CEO of the [Coalition for Clean Air](#), a nonprofit advocacy group that actually does hold an annual fundraiser sponsored by SCAQMD-regulated businesses.)

Sadly, the cave man, his family and the entire cave community died of exposure and starvation after the SCAQMD mandated new equipment that extinguished the fire. Thereafter, the human race evolved from a sexual harassment incident at the Biltmore.

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- [Full bio and more articles by Susan Shelley](#)

SCAQMD FACT SHEET

In the wake of the AQMD's controversial decision to ban beach fire rings in Southern California, there are serious questions about the members of the board, AQMD transparency and the science that served as the basis for their votes.

CREDIBILITY OF BOARD MEMBERS

Three of the votes cast in favor of the beach fire motion came from AQMD board members who either fail to qualify to hold their seats for statutory reasons or who have serious conflicts of interest and outright ethical breaches, including falsified academic credentials:

- **The SCAQMD Chair, William A. Burke**, appointed by Speaker of the California Assembly John Perez, has served since 1993 (his current term will end 1/15/2014). Not being an elected official from Orange County, he appears to have violated CHSC §40422(a) by being reappointed after his first four-year term expired and never held any of the prerequisite qualifications required for appointment, other than lamely as a "public member." Special legislation was passed in 2007 (SB 886-Negrete-McLeod) to allow him to bypass the two-term limit on chairing the AQMD board.

Burke recently (4/12/13) was forced to resign either his seat on the AQMD board or as a California Coastal Commission commissioner because of conflicts of interest between AQMD and the Commission's respective positions regarding the beach fire ring issue. Instead of resigning as a member and chair of AQMD, he resigned his seat on the Coastal Commission (California's Government Code 1099 otherwise would dictate that he retain the most recent of the two appointments). In truth, he has a "sinecure-for-life" special-favor appointment on AQMD's board.)

Why is William A. Burke the only chair of an air quality management district that is not also an elected official, as is the case for all 34 other APCD Boards (except for the Mojave APCD), and is clearly required under H&SC Sec. 40420?

References: CHSC §40420(c): "The south coast district board shall elect a chairperson every two years from its membership", CHSC §40422(a): "The term of each member of the south coast district board shall be four years and until his or her successor is appointed. Upon the expiration of his or her term, a member who is a mayor from the County of Orange or a member of a city council from the County of Orange may be reappointed, in accordance with subdivision (f) of Section 40420, within 60 days, and the office shall become vacant if the member is not so reappointed within 60 days. Any vacancy on the south coast district board shall be filled within 60 days of its occurrence by its appointing authority." *which language was amended in 1980 to eliminate an exception for the "public*

member” of the board. Citing the amendment: “Deleted ‘With the exception of the public member,’ at the beginning of the section [a].

http://www.aqmd.gov/hb/gb_history.pdf: William A. Burke, D.Ed., has served since August 8, 1997 as AQMD’s Chair, except for most of 2002 when he was Vice-Chair,

<http://www.legisweb.com/app/pkg/calm/Retrieve.asp?ref=urn%3Acalm%3A2007%3AAsb0886%3AAdoc>: Negrete McLeod SB 886 (chaptered October 13, 2007) removed the two-term limitation on an individual holding the chairperson position on the AQMD Board of Directors,

http://laist.com/2007/07/14/otherwise_known.php: media commentary about Negrete-McLeod’s bill, http://articles.dailypilot.com/2013-04-17/news/tn-dpt-0418-fire-rings-letter-20130417-14_1_burke-mimi-walters-aqmd: media article on Burke’s Coastal Commission resignation,

<http://articles.latimes.com/2013/apr/18/local/la-me-ln-coastal-commissioner-resigns-20130418>: media article on Burke’s Coastal Commission resignation under pressure from Assemblyman Allan Mansoor and Senator Mimi Walters.

- **Board Member Joseph K. Lyou**, appointed by Governor Arnold Schwarzenegger, is an anti-air pollution activist that does not appear to have any of the necessary qualifications required to meet the statutory [CH&SC § 40420(c)] requirements for appointment to AQMD’s board.

References: CHSC §40420(c): “The member appointed by the Governor shall be either a physician who has training and experience in the health effects of air pollution, an environmental engineer, a chemist, a meteorologist, or a specialist in air pollution control.”, <http://meldi.snre.umich.edu/node/12356>: Lyou has been a community activist with no specific credentials in air pollution.,

<http://disexpress.umi.com/dxweb>: ProQuest Dissertation database shows that the title of Lyou’s 1990 UC Santa Cruz Ph.D. dissertation is “The Social Psychology of U.S.-Soviet Arms Control Negotiations: The role and experience of the U.S. negotiator and delegation.” He was awarded a PhD in Social Psychology, <http://ccair.org/staff-a-board/staff-521>: Since 2010 he has also been President and CEO of the Coalition for Clean Air, an environmental advocacy organization that promotes air pollution regulations and related actions.

- **Board Member Clark Parker**, appointed by the Senate Rules Committee chaired by Senate Pro Tempore Darrell Steinberg, has **falsified his academic credentials**. He is not the PhD he claims to be, and two of the institutions that he claims degrees from do not even exist. He should be forced to resign.

References: http://www.aqmd.gov/bios/bm_parker_clark.html,

<http://disexpress.umi.com/dxweb>: ProQuest Dissertation database shows no PhD awarded to any individual named Clark Parker, <http://www.centralaz.edu/>: Central Arizona University does not exist, and Central Arizona College is a community college that does not award PhD degrees, <http://www.lawrence.edu/>: Parker claims a Dr. of Laws degree from Lawrence University, which does not exist; a Lawrence University is an undergraduate institution that does not award law degrees, <http://www.scientificintegrityinstitute.org/Redlands1981.pdf>: Parker

claims a Master of Science degree from University of Redlands, but received only a 1981 Master of Arts degree,
<http://www.scientificintegrityinstitute.org/Parker021913.pdf>: contains additional details about Parker's academic degree claims,
<http://www.scientificintegrityinstitute.org/Parker032213.pdf>: Copies of Clark Parker diplomas, http://articles.dailypilot.com/2013-05-17/news/tn-dpt-me-0519-parker-aqmd-20130517_1_diploma-mills-stanford-university-board-member: media story, http://articles.dailypilot.com/2013-06-05/news/tn-dpt-me-0606-mansoor-fire-pit-pra-20130605_1_fire-rings-fire-pits-aqmd/2: media story

CREDIBILITY OF PROCESS

AQMD has stonewalled and delayed requests from legislators and the press ahead of its crucial vote on the beach bonfire rings rule:

- After not providing information in a timely manner as dictated by statute per a June 5 Public Records Act request by Travis Allen, Curt Hagman, Mimi Walters, and Allan Mansoor, who wanted to learn more about the beach fire-ring regulation. Allan Mansoor finally received a partial-records production response dated July 10, 2013. The records were due in 10 days, unless AQMD asked for an extension, which they did not.

Reference: http://www.oc-breeze.com/2013/07/12/35952_scaqmd-bans-beach-fires-assemblyman-allen-fires-back/: California Assembly Member Travis Allen (R-Huntington Beach) press release reported in Orange County Breeze.

- It also stiffered Voice of Orange County's April 8 PRA request for all email traffic among agency staff and board members on the bonfire issue, seeking the same information, providing a partial-records production.

Reference: http://www.voiceofoc.org/countywide/this_just_in/article_e0528086-e9f7-11e2-96ec-0019bb2963f4.html: Voice of OC reportage of three-month delay in response to its Public Records Act request of AQMD.

CREDIBILITY OF SCIENCE

A virtual bonfire of controversy surrounds the validity of AQMD's science.

AQMD claims that a key AQMD staffer—who collected and prepared the data that AQMD's staff and board relied upon in reaching its controversial beach fire-ring rule decision—holds a PhD that the academic institution denies was granted.

A now-disgraced activist scientist who resigned from a key state science panel rather than face a senate investigation conducted science reviews critical to particulate air standards affecting California and the South Coast Air Basin, including those used to judge contaminant emissions from the beach fire pits.

- AQMD, in its transmittal memorandum to Assembly Member Mansoor of partial records subject to his Public Records Act request states that a key staff member, Steven K. Boddeker, claims to have a PhD in Research, Environmental Engineering, from University of Florida (1996-2001) specializing in Health Physics. Attempts to verify this claimed PhD with University of Florida through National Student Clearinghouse, a degree verification service, shows that a Masters of Science in Nuclear Engineering Sciences was awarded to Boddeker on August 10, 1996, but not a PhD. Boddeker was a key player in collecting air quality and physical ash samples from the beach fire rings for AQMD's determination of air quality impairment, a major factor AQMD cited for which AQMD staff—including Boddeker—based its rule-making regulation regarding the beach fire pits, and upon which members of the AQMD board based their decision during the crucial vote.

On Steven Boddeker's personal website on the California State University at Pomona website, where Boddeker is presently or was formerly a lecturer, reside two documents that purport to be variously the title page (2004) or an abstract (2001) of a PhD dissertation submitted by Boddeker to University of Florida. Although the abstract names Emmett W. Bolch as the chair of Boddeker's dissertation committee, Bolch died in 2003, a year before the date listed on the title page document. CSU-Pomona pages also show that Boddeker refers to himself as a professor, when he was neither a professor nor an adjunct professor.

References: *National Student Clearinghouse DegreeVerify Certificate dated July 20, 2013, SCAQMD transmittal memorandum to Hon. Allen R. Mansoor dated July 10, 2013, <http://www.csupomona.edu/~skboddeker/misc/research/title.htm>: falsified title page from 2004 PhD dissertation on California State University at Pomona website in Steven Boddeker's personal files, <http://www.csupomona.edu/~skboddeker/misc/research/abstract.htm>: falsified abstract from 2001 PhD dissertation on California State University at Pomona website in Steven Boddeker's personal files.*

- During the past two decades numerous preeminent scientists have repeatedly criticized the methodology and evidence used to establish US-EPA, CARB, and SCAQMD air quality standards, particularly the PM2.5 standard that AQMD relied upon in passing the beach fire measure.

References: http://oehha.ca.gov/air/risk_assess/wildfirev8.pdf: "There are no directly relevant epidemiological or controlled human exposure studies that offer guidance in the selection of particulate matter levels with averaging times less than 24 hours...", Wallerstein, B. et al., California's Progress Towards Clean Air, Appendix B, CAPCOA (2013): Zero "Unhealthy Air Quality Index (AQI) days in Orange County in 2012 due to PM2.5 and ozone exposure," Robert F. Phalen, PhD, UC-Irvine Air Pollution Health Effects Laboratory, "California air is now clean enough and further 'improvements' could lead to loss of the public's lung defenses."

- UCLA Professor John Froines, subject of a current investigation by two California state senators over state contract violations and Public Record Act violations, is at the heart of the faulty science AQMD used to justify its unpopular 7-to-6 beach-fire-ring vote.

References: <http://www.scientificintegrityinstitute.org/Huff040213.pdf>: letter by senators Bob Huff (R-Diamond Bar) and Jean Fuller (R-Bakersfield) to UCLA regarding news-media reports that the university had not responded appropriately to litigant and media Public Records Act requests concerning Prof. Froines, <http://www.bakersfieldcalifornian.com/health/x411128567/LOIS-HENRY-Nice-to-see-some-pols-applying-pressure-to-UCLA>, <http://www.bakersfieldcalifornian.com/health/x1322083219/The-ex-radical-who-heads-air-boards-key-panel>, <http://www.bakersfieldcalifornian.com/columnists/lois-henry/x837007070/LOIS-HENRY-Cozy-emails-undermine-air-czars-integrity>: Bakersfield Californian articles regarding Prof. Froines and environmental activists regarding the registration of methyl iodide, <http://www.scientificintegrityinstitute.org/Reed061113.pdf>: UCLA response to senators Huff and Fuller

- Froines was a key player in the decision by CARB to name diesel exhaust and particulate matter smaller than 2.5 nanometers Toxic Air Contaminants, making fire smoke, diesel exhaust and other particulate emissions subject to state regulation. His actions led directly to the regulation and mitigations AQMD staff used to justify the beach bonfire measure AQMD recently passed.

Reference: <http://www.arb.ca.gov/toxics/dieseltac/combined.pdf>: Prof. Froines' letter of findings of the CARB TAC SRP for identification of diesel exhaust as a Toxic Air Contaminant.

- On July 8, 2013, Froines resigned as chair and member of the California Air Resources Board Toxic Air Contaminants Scientific Review Panel, but he did not resign his membership on any of the three AQMD science committees. Prof. Beate Ritz, a fellow member of Froines' Scientific Review Panel for CARB, also provides AQMD scientific guidance.

Reference: <http://www.scientificintegrityinstitute.org/Froines070813.pdf>: Prof. Froines letter of resignation from the CARB TAC SRP, <http://www.bakersfieldcalifornian.com/columnists/lois-henry/x1496674317/LOIS-HENRY-UCLA-prof-wants-more-time-with-his-family-I-dont-buy-it>: Bakersfield Californian article questioning timing and reasons Froines cites in tendering his resignation, <http://ehs.ph.ucla.edu/faculty/john-froines-phd>: Froines bio on UCLA website, http://www.aqmd.gov/gb_comit/technology/techadvadvgrpmembership.html: AQMD website listing of Technology Advancement Advisory Group members, <http://community.seattletimes.nwsourc.com/archive/?date=20020106&slug=defects06>: Orange County Register article describing study authored by Beate Ritz with AQMD Health Effects Officer, Jean Ospital.

- Froines resigned to avoid further scrutiny from California Senators Bob Huff (R-Diamond Bar) and Jean Fuller (R-Bakersfield), who have called for Froines and other key UC faculty, staff, and former students to step down from all state scientific panels in light of Froines' apparent illegal acts, ethical misconduct and faulty appointments to key regulatory science committees, including those used by AQMD.

Reference: *contact Senator Huff or Fuller for a statement regarding their investigation into UCLA's failure to comply with PRA requests*

- UCLA admitted that Froines had destroyed pertinent communications and unnamed individuals at the university had intentionally failed to comply with the Public Records Act when they were asked to produce records of communications between Froines, other UC staffers, and environmental activists in 2009-2011 over a controversial pesticide regulation decision.

Reference: *Ibid UCLA Response to Huff, Fuller*

- Froines also appears to have violated specific legal provisions pertaining to two state contracts and financial and conflict-of-interest disclosures related to his appointment to the key CARB science panel, which he chaired.

Reference:

http://www.swrcb.ca.gov/water_issues/programs/peer_review/docs/exhibit_f.pdf:

State of California Standard Agreement 06-1-04-600-0 between University of California-Berkeley Regents and California Environmental Protection Agency,

<http://www.dtsc.ca.gov/LawsRegsPolicies/upload/Interagency-Agreement.pdf>:

State of California Standard Agreement 11-135-240 between UC Regents and CalEPA, http://www.ph.ucla.edu/magazine/full_magazine_11_09.pdf: (page 30)

Proposal to the Department of Pesticide Regulation to Evaluate the Review Conducted by the Department of the Pesticide, Methyl Iodide (California EPA Pesticide Regulation, \$72,164),

<http://www.bakersfieldcalifornian.com/columnists/lois-henry/x837007070/LOIS-HENRY-Cozy-emails-undermine-air-czars-integrity>: *Bakersfield Californian article describing contract between Froines and California Department of Pesticide Regulation for independent review of science used by CDPR in methyl iodide registration decision.*

- Froines is principal investigator of a \$1 million grant from the National Institutes of Health that seeks to use a community-based education model to foster collaboration between environmental health researchers and community-based organizations in the Los Angeles basin. The NIH grant, together with three other grants from California Air Resources Board, may represent conflicts of interest that could impair Froines impartiality with respect to AQMD regulatory matters.

Reference:

<http://www.recovery.gov/Transparency/RecipientReportedData/pages/RecipientProjectSummary508.aspx?AwardIdSur=7555>: U.S. Department of Health & Human Services/National Institutes of Health grant no. 1RC1ES018121-01

AQMD LACKS CRITICAL SCIENTIFIC EXPERTISE

AQMD lacks specific expertise in epidemiology, toxicology, and statistics.

Rather than staff experts, AQMD relies instead almost entirely on outside scientific panels and state regulatory bodies for scientific justification of its actions.

Out of more than 635 employees, AQMD has only four PhD-level scientists on its staff, [excluding the aforementioned and discredited Steve Boddeker (~~PhD in Research, Environmental Engineering, University of Florida~~, M.S. in Nuclear Engineering and Medical Physics, University of Florida, and B.S. Physics and Astronomy, Western Kentucky University)].

Those holding valid PhDs in science are:

- Philip Fine (PhD in Environmental Engineering Science, CIT); Jason Low, (PhD in Atmospheric Chemistry, M.S. and B.S. in Chemistry, UC-Irvine);
- Matt Miyasato (a PhD and M.S. in Engineering, UC-Irvine);
- Andrea Polidori (PhD in Environmental Sciences, Rutgers University, B.S. in Environmental Sciences, Urbino University); and
- Laki Tisopulos (PhD in Chemical Engineering, USC, P.E.).

Key AQMD leaders have doctorates, but do not hold PhDs in science:

- Barry Wallerstein, the AQMD Executive Officer, holds a D.Env. from UCLA and an M.S. and B.S. in Biological Science, not a PhD.
- Jean Ospital, the AQMD Health Effects Officer, holds a DPH in Environmental Health Sciences and an MPH in Health Education and Behavioral Sciences from UCLA, and a B.S. in Chemistry from UC-Santa Barbara, not a PhD.

AQMD also has the following non-scientific PhDs on its staff (not all have been verified):

- Shah Dabirian, PhD in Economics, University of Wyoming (1997) and
- T.S. "Sue" Lieu, PhD in Economics, University of Pittsburg (1983)

STEPS TO ENSURE CREDIBILITY OF AQMD & CARB

- AQMD members who have lied about their academic credentials or who do not meet legal requirements for appointment or service, should step down immediately.
- Any air-quality or toxic-air-related decisions based on science conducted by Prof. John Froines, should be dismissed and taken up once credible scientists and systems are in place

Draft v3:

- The legislature must impose a better way to verify the qualifications and representations of AQMD appointees and members of the CARB science panel to ensure these officials function as dispassionate, objective public servants – not renegade activists who impact the lives of ordinary California citizens on whim and political agendas – not sound science.
- AQMD must increase its staff resources for scientists with higher degrees and lessen its dependence on governmental appointees subject to political and activist influence, using external scientific peer review as policy makers intended.