

California State Senate Rules Committee  
**Statement of James E. Enstrom, Ph.D., M.P.H., During  
Confirmation Hearing for Mary D. Nichols, J.D., as CARB Chair,  
John R. Balmes, M.D., as CARB Member, and  
Joseph K. Lyou, Ph.D., as SCAQMD Board Member**  
June 4, 2008

Hearing Audio File: <http://www.scientificintegrityinstitute.org/Nichols060408.mp3>

Transcript of Hearing Audio File:

Minutes:Seconds    Speaker

**95:45** Senator Don Perata:

Anyone here in opposition?

**96:02** James E. Enstrom, Ph.D., M.P.H.:

This is actually in the area of concern, not opposition. My name is James Enstrom. I have been a faculty member at UCLA for over 30 years. I'm a native of Los Angeles, actually born in Alhambra, in Senator Cedillo's district. The reason why I am concerned is two areas. I believe that the Board is basing a lot its decisions regarding the dangers of air pollution on national studies, not the California-specific studies. I believe there is enough California-specific data available that it should be used and given preference over nationwide data. In fact, I distributed maps--I don't know if you have the maps. The maps indicate [this is from a major study done by the Health Effects Institute in Boston in 2000] that actually the effects of fine particulates on mortality are greater on the East than they are in California. It's too much time to go into this in detail, but one point is that I believe there should be a fair evaluation of all the California data. I don't believe my own data was fairly evaluated. I have been an epidemiologist at UCLA doing this kind of health related research for 35 years. I think that because of the stakes involved,

because of the billion dollars with the Goods Movement Emission Reduction Plan, that we need to be precise in this.

The second point regards appointments to the Scientific Review Panel on Toxic Air Contaminants. I believe from my discussions with President Dynes of the University of California that this process is not following the Health and Safety Code. It indicates that there is supposed to be replacement after 3 years and some of the members on this panel have served for over 20 years. I think that is fine and they may be doing a good service, but I think they are locking out other scientists. For instance, I have a book here written by a professor at UC Irvine, Robert Phalen, who has been conducting an air pollution lab at UC Irvine for over 30 years. So, scientists like him have written on the controversy about fine particulates. So the data is not as solid as some people would like to portray it. So, my recommendation is that if Chair Nichols would look into these two issues and evaluate my concerns; I would be favorable. I hope she would agree to do that.

**98:50** Mary D. Nichols, J.D.

I would be happy to respond to Professor Enstrom's concerns. I do want to call to the attention of the committee a letter from the head of the Scientific Review Panel, John Froines, who is also another UCLA colleague, as am I by the way. In which he, I think, attempts to respond to these issues is rather living and technical letter, which I certainly won't try to quote from it. But this is a controversial area and deserves a response and we will follow up.

**99:22** Senator Perata

I agree there should be a response; you have a future in politics. Well I just want to conclude by thanking you both . . .