

**California Health and Safety Code
California Air Resources Board
Scientific Review Panel on Toxic Air Contaminants**

<http://caselaw.lp.findlaw.com/cacodes/hsc.html>

CALIFORNIA HEALTH AND SAFETY CODE TABLE OF CONTENTS

DIVISION 26. AIR RESOURCES PART 2. STATE AIR RESOURCES BOARD

<http://caselaw.lp.findlaw.com/cacodes/hsc/39500.html>

HEALTH AND SAFETY CODE SECTION 39500

39500. It is the intent of the Legislature that the State Air Resources Board shall have the responsibility, except as otherwise provided in this division, for control of emissions from motor vehicles and shall coordinate, encourage, and review the efforts of all levels of government as they affect air quality.

<http://caselaw.lp.findlaw.com/cacodes/hsc/39670-39671.html>

HEALTH AND SAFETY CODE SECTION 39670-39671

39670.

(a) A nine-member Scientific Review Panel on Toxic Air Contaminants shall be appointed to advise the state board and the Department of Pesticide Regulation in their evaluation of the health effects toxicity of substances pursuant to Article 3 (commencing with Section 39660) of this chapter and Article 1.5 (commencing with Section 14021) of Chapter 3 of Division 7 of the Food and Agricultural Code.

(b) The members of the panel shall be highly qualified and professionally active or engaged in the conduct of scientific research, and shall be appointed as follows, subject to Section 39671, for a term of three years:

(1) Five members shall be appointed by the Secretary for Environmental Protection, one of whom shall be qualified as a pathologist, one of whom shall be qualified as an oncologist, one of whom shall be qualified as an epidemiologist, one of whom shall be qualified as an atmospheric scientist, and one of whom shall have relevant scientific experience and shall be experienced in the operation of scientific review or advisory bodies.

(2) Two members shall be appointed by the Senate Committee on Rules, one of whom shall be qualified as a biostatistician and one of whom shall be a physician or scientist specializing in occupational medicine.

(3) Two members shall be appointed by the Speaker of the Assembly, one of whom shall be qualified as a toxicologist and one of whom shall be qualified as a biochemist or molecular biologist.

(4) Members of the panel shall be appointed from a pool of nominees submitted to each appointing body by the President of the University of California. The pool shall include, at a minimum, three nominees for each discipline represented on the panel, and shall include only individuals who hold, or have held, academic or equivalent appointments at universities and their affiliates in California.

- (c) The Secretary for Environmental Protection shall appoint a member of the panel to serve as chairperson.
- (d) The panel may utilize special consultants or establish ad hoc committees, which may include other scientists, to assist it in performing its functions.
- (e) Members of the panel, and any ad hoc committee established by the panel, shall submit annually a financial disclosure statement that includes a listing of income received within the preceding three years, including investments, grants, and consulting fees derived from individuals or businesses which might be affected by regulatory actions undertaken by the state board or districts pursuant to this chapter. The financial disclosure statements submitted pursuant to this subdivision are public information. Members of the panel shall be subject to the disqualification requirements of Section 87100 of the Government Code.
- (f) Members of the panel shall receive one hundred dollars (\$100) per day for attending panel meetings and meetings of the state board, or upon authorization of the chairperson of the state board while on official business of the panel, and shall be reimbursed for actual and necessary travel expenses incurred in the performance of their duties.
- (g) The state board and the office, and, in the case of economic poisons, the Department of Pesticide Regulation, shall provide sufficient resources for support of the panel, including technical, administrative, and clerical support, which shall include, but not be limited to, office facilities and staff sufficient for the maintenance of files, scheduling of meetings, arrangement of travel accommodations, and preparation of panel findings, as required by subdivision (b) of Section 39661.

39671. The terms of the members of the Scientific Review Panel on Toxic Air Contaminants appointed pursuant to subdivision (b) of Section 39670 shall be staggered so that the terms of three members expire each year.

<http://caselaw.lp.findlaw.com/cacodes/hsc/39650.html>

HEALTH AND SAFETY CODE SECTION 39650

39650. The Legislature finds and declares the following:

- (a) That public health, safety, and welfare may be endangered by the emission into the ambient air of substances which are determined to be carcinogenic, teratogenic, mutagenic, or otherwise toxic or injurious to humans.
- (b) That persons residing in California may be exposed to a multiplicity of toxic air contaminants from numerous sources which may act cumulatively to produce adverse effects, and that this phenomenon should be taken into account when evaluating the health effects of individual compounds.
- (c) That it is the public policy of the state that emissions of toxic air contaminants should be controlled to levels which prevent harm to the public health.

<http://caselaw.lp.findlaw.com/cacodes/hsc/39660-39664.html>

HEALTH AND SAFETY CODE SECTION 39660-39664

39660. (a) Upon the request of the state board, the office, in consultation with and with the participation of the state board, shall evaluate the health effects of and prepare recommendations regarding substances, other than pesticides in their pesticidal use, which may be or are emitted into the ambient air of California and that may be determined to be toxic air contaminants.

<http://caselaw.lp.findlaw.com/cacodes/hsc/44360-44366.html>

HEALTH AND SAFETY CODE SECTION 44360-44366

44360. (a) Within 90 days of completion of the review of all emissions inventory data for facilities specified in subdivision (a) of Section 44322, but not later than December 1, 1990, the district shall, based on examination of the emissions inventory data and in consultation with the state board and the State Department of Health Services, prioritize and then categorize those facilities for the purposes of health risk assessment.

Current (2008) CARB Scientific Review Panel (SRP) on Toxic Air Contaminants:

<http://www.arb.ca.gov/srp/srp.htm>

April 22, 1998 CARB SRP Meeting Minutes approving "Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant" and showing SRP members as of that meeting:

<http://www.arb.ca.gov/srp/mt042298.pdf> (page ii)

Stanton A. Glantz and others are shown as SRP members in both 1998 and 2008.

Stanton A. Glantz UCSF Biography indicates that he has been on SRP since 1986:

<http://cardiology.ucsf.edu/people/glantnew.htm>

“OTHER PROFESSIONAL SERVICE: To government bodies:

Member, California Scientific Review Panel on Toxic Air Contaminants (1986-now)”

Pursuant to the section 39670 of the Health and Safety Code, nine members are shown by category below.

-ACADEMIC ADMINISTRATION-

S. Katharine Hammond, Ph.D.

Chair, Environmental Health Sciences Division
Professor of Environmental Health Sciences
School of Public Health
University of California
753 University Hall
Berkeley, California 94720-7360

-OCCUPATIONAL MEDICINE-

Paul D. Blanc, M.D.

Chief, Division of Occupational and
Environmental Medicine
University of California, San Francisco
350 Parnassus Avenue, Suite 609, Box 0924
San Francisco, California 94143-0924

-ATMOSPHERIC SCIENCE-

Roger Atkinson, Ph.D.

Director, Air Pollution Research Center
University of California, Riverside
210 Fawcett Laboratory
Riverside, California 92521

-ONCOLOGY-

Joseph R. Landolph, Ph.D.

Associate Professor
Molecular Microbiology and Immunology, Pathology and
Molecular Pharmacology, and Toxicology
Cancer Research Laboratory, Room 218
USC/Norris Comprehensive Cancer Center
Keck School of Medicine
University of Southern California
1303 North Mission Road
Los Angeles, California 90031

-BIOCHEMISTRY/MOLECULAR BIOLOGY-

Craig V. Byus, Ph.D.

Dean, Department of Biomedical Science
Professor of Biomedical Science
and Biochemistry
University of California, Riverside
900 University Avenue
Riverside, California 92521

-PATHOLOGY-

Charles G. Plopper, Ph.D.

Professor, Department of Anatomy, Physiology
and Cell Biology
School of Veterinary Medicine
University of California, Davis
One Shields Drive
Davis, California 95616

-BIostatISTICS-

Stanton A. Glantz, Ph.D.

Professor of Medicine
University of California, San Francisco
530 Parnassus Avenue, Suite 366
San Francisco, California 94143-1390

-TOXICOLOGY-

John R. Froines, Ph.D., Chairman

Director, Center of Occupational and
Environmental Health
School of Public Health CHS 21-293
University of California, Los Angeles
650 Charles East Young Drive South
Los Angeles, California 90095-1772

-EPIDEMIOLOGY-

Gary D. Friedman, M.D.

Consulting Professor
Division of Epidemiology
Department of Health Research & Policy
Stanford University School of Medicine
HRP Redwood Building T210
Stanford, California 94305-5405

**SCIENTIFIC REVIEW PANEL ON TOXIC AIR CONTAMINANTS
NOTICE OF PUBLIC MEETING
June 24, 2005**

**SCIENTIFIC REVIEW PANEL ON TOXIC AIR CONTAMINANTS
NOTICE OF PUBLIC MEETING**

The Scientific Review Panel on Toxic Air Contaminants (Panel), established pursuant to California Health and Safety Code section 39670, will hold a public meeting at the following time and place:

DATE: June 24, 2005
TIME: 9:30 a.m.
LOCATION: Covell Commons, Sunset Village
330 DeNeve Drive
University of California
Los Angeles, CA 90095-1492 (310) 825-7021
http://www.conferences.ucla.edu/housing_site/conferences/locat.pdf

—AGENDA—

1. Continuation of the Panel's review of the draft report "Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant," Part A (June 2005) Part B/Part C Addendum (May 2005).

Environmental tobacco smoke, also known as second-hand smoke, is a complex mixture of chemicals generated during the burning and smoking of tobacco products to which non-smokers are exposed. The Air Resources Board (ARB) and Office of Environmental Health Hazard Assessment staffs will continue their presentation of the draft report for the Panel's review. Once the Panel completes its review, the Panel will also discuss findings to be submitted to the ARB. After receiving the Panel's recommendations and findings, the ARB will consider identifying and listing environmental tobacco smoke as a toxic air contaminant.
<http://www.arb.ca.gov/toxics/ets/ets.htm>

2. Consideration of administrative matters.

The Panel may discuss various administrative matters and scheduling of future meetings.

THE AGENDA ITEMS LISTED ABOVE MAY BE CONSIDERED IN A DIFFERENT ORDER AT THE MEETING

**INFORMATION ABOUT
THE SCIENTIFIC REVIEW PANEL**

The Scientific Review Panel (Panel) is charged with evaluating the risk assessments of substances proposed for identification as toxic air contaminants by the Air Resources Board (ARB), the Office of Environmental Health Hazard Assessment (OEHHA) and the Department of Pesticide Regulation (DPR), and the review of guidelines prepared by OEHHA. In carrying out this responsibility, the Panel reviews the exposure and health assessment reports and underlying scientific data on which the reports are based, which are prepared by the ARB, DPR, and OEHHA pursuant to Health and Safety Code sections 39660-39661, 39669.5 and 44360, and Food and Agricultural Code sections 14022-14023. These reports are prepared for the purpose of determining whether a substance or pesticide should be identified as a toxic air contaminant, or as guidelines to be used in preparing health risk assessments.

The Panel welcomes written comments or submissions from all parties regarding a report. To assure adequate review, the Panel does not accept oral comments from the public at its meetings, and requests that information submitted for its consideration be sent to the Panel Liaison (contact information below) no later than two weeks prior to the meeting. These submissions are received and carefully reviewed and considered by the Panel members prior to the public meeting. Transcripts to previously held Panel meetings can be found through the ARB web site www.arb.ca.gov/srp/srp.htm.

Date: Mon, 13 Jun 2005 03:49 PM
To: "Jim Behrman" <jbehrman@arb.ca.gov>
Subject: Document for June 24, 2005 SRP Meeting
Cc: "Geoffrey C. Kabat" <gck1@optonline.net>
X-Attachments: C:\Word files\CARB SRP Enstrom Complaint 061305.doc;

June 13, 2005

Mr. Jim Behrman
Panel Liaison, Research Division
California Air Resources Board
jbehrman@arb.ca.gov

Dear Mr. Behrman:

In accordance with the announcement of June 24, 2005, Scientific Review Panel (SRP) meeting (<http://www.arb.ca.gov/srp/srpmeetings.htm>), I have attached a Word document, "CARB SRP Enstrom Complaint 061305.doc," that I would like distributed to SRP members. This document may require some special consideration before distribution, because it involves the conduct of a SRP member. Please read this document carefully before distributing it. Please send me confirmation that you have received this email and can clearly read my 8-page document. Also, please let me know when the document has been distributed to SRP members. Finally, please let me know if I will be able to speak to one or more SRP members when they are at the UCLA meeting on June 24, as I request in the last paragraph of my document.

Thank you very much for your assistance in this important matter.

Sincerely yours,

James E. Enstrom, Ph.D., M.P.H.
University of California
Box 951772
Los Angeles, CA 90095-1772
jenstrom@ucla.edu
(310) 825-2048

cc: "Geoffrey C. Kabat" <gck1@optonline.net>

Evidence Questioning the Fitness of Dr. Stanton A. Glantz to Serve as
a Member of the Scientific Review Panel on Toxic Air Contaminants
of the California Air Resources Board

James E. Enstrom, Ph.D., M.P.H.
University of California
Box 951772
Los Angeles, CA 90095-1772
jenstrom@ucla.edu

June 13, 2005

Background

I am making this submission because I have substantial evidence that questions the fitness of Dr. Stanton A. Glantz (Glantz) to serve as a member of the Scientific Review Panel (SRP) on Toxic Air Contaminants. During the past two years he has engaged in an unprofessional attack on me and my epidemiologic research. This attack bears directly on his ability to objectively evaluate and judge the CARB report on environmental tobacco smoke (ETS). Three events have occurred since March 8, 2005 that are so egregious that I request that this matter be dealt with by the SRP before any decision is made about the ETS report. In the interest of brevity, I have limited this submission to eight pages of text, which includes web links to several important documents. Wherever possible, I have used links to documents from the UCSF Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu>). Some of the links require journal subscriptions, but most of these links are accessible via connection with the UC library system.

This submission involves the very fundamental issues of academic freedom, scientific integrity, and professional conduct. These issues have gotten the attention of high officials at both the University of California and the National Institutes of Health. Some aspects are discussed in the February 2005 *Nature Medicine*, where Dr. Lawrence B. Coleman, Vice Provost for Research at the University of California, stated "Academic freedom has to be absolute or no one has it" (<http://www.nature.com/nm/journal/v11/n2/pdf/nm0205-106a.pdf>) and in the March 2005 *Nature Medicine*, where NIH Director Elias Zerhouni "has called for an 'ethics summit,' and rules for scientists at outside institutions receiving NIH grants could be heavily scrutinized." (<http://www.nature.com/nm/journal/v11/n3/pdf/nm0305-235.pdf>).

I would like to begin with a few brief sentences about my background in order to assure you that I am a serious scientist with an important message. I have a Ph.D. from Stanford University, awarded in 1970, and my dissertation advisor is a Nobel Laureate. Also, I have postdoctoral certification in cancer epidemiology and a M.P.H. in epidemiology from UCLA, awarded in 1975 and 1976. Since 1976 I have been on the research faculty at UCLA. I have had a long and successful career as an epidemiologist. I am a Fellow of the American College of Epidemiology and I am listed in *Who's Who in America* in recognition of my epidemiologic research.

During the first 33 years of my professional career no one ever once questioned my honesty or integrity as a scientist. However, that situation changed dramatically in May 2003 when I and my co-author, Dr. Geoffrey C. Kabat, published a paper in the May 17, 2003 British Medical Journal (*BMJ*), “Environmental tobacco smoke and tobacco related mortality in a prospective study of Californians, 1960-98” (<http://bmj.com/cgi/reprint/326/7398/1057.pdf>), henceforth referred to as “my *BMJ* paper” or “my *BMJ* study.” This paper describes the largest and most detailed epidemiologic study on environmental tobacco smoke (ETS) and tobacco-related mortality ever published in a major medical journal and the second largest study ever published in terms of its statistical power. This study found no relationship between ETS and tobacco-related mortality and instantly became very controversial, as described in the following May 18, 2003 Sunday Telegraph (London) newspaper article:
<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2003/05/18/nsmoke18.xml>.

Since May 15, 2003 many false and misleading charges have been made against me and my research, primarily because the study was partially funded by the tobacco industry. These charges have damaged my professional reputation and my ability to publish in several journals that are now aware of the unjustified controversy surrounding me. However, in the two years since its publication, no errors have been identified in my *BMJ* paper, the alleged flaws in the study have not been substantiated with any actual evidence, and the *BMJ* editor has strongly defended his decision to publish the paper (<http://bmj.com/cgi/reprint/327/7413/501>).

As evidence that Glantz has engaged in an unprofessional, two-year campaign to discredit me and my research, I document below the initial aspect of his attack, plus the three egregious aspects that have occurred since March 8, 2005. These represent only a portion of his full attack.

Aspect 1) Early Statements by Glantz Meant to Discredit Me and My Research

On May 15, 2003, Glantz participated in a Miami press conference of “international experts” assembled to “debunk” my study before he could have possibly read it in any detail. These “experts” falsely claimed the paper said “Marry a smoker, get less cancer” and falsely claimed it was a “tobacco industry study” (<http://www.no-smoking.org/may03/05-15-03-4.html>). It is not clear how these “experts” learned of the study, but they apparently violated the press embargo on the paper, which lasted until 12:01 AM May 16, 2003 UK time (or 7:01 PM May 15, 2003 Miami time). Glantz could not possibly have read the full version of the *BMJ* paper, which was first posted on bmj.com at this same time.

On May 16, 2003 Glantz told the San Francisco Chronicle: “. . . that because secondhand smoke was so common in the early years of the study, UCLA's research was fatally flawed and could only produce the kind of result the tobacco industry wanted. . . . the British Medical Journal report was a textbook case of why UC researchers should not be allowed to accept funding from the tobacco industry. . . . It is an embarrassment that this came out of UCLA. . . .” (<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/05/16/MN259820.DTL>).

On May 24, 2003 Glantz co-wrote a Rapid Response (electronic letter) to bmj.com entitled "Misleading the public about secondhand smoke . . . again." He stated "Enstrom and Kabat's study is the latest in a long string of studies supported by the tobacco industry to deny the evidence about secondhand smoke and confuse the public. . . . The Enstrom and Kabat study may be another example of the financial disclosure not fully describing the extent of involvement of the tobacco industry in the design, conduct and dissemination of the study. . . . By publishing Enstrom and Kabat's paper, the *BMJ* has helped the tobacco industry mislead the public about the harmful effects of secondhand smoke exposure. Only a retraction could stem some of the damages to public health goals that have already been inflicted by this paper."
(<http://bmj.bmjournals.com/cgi/eletters/326/7398/1057#32596>)

On June 20, 2003 the following comments involving Glantz and my *BMJ* study were made during the SRP meeting of that day, as taken directly from pages 85 and 86 of the meeting transcript (<http://www.arb.ca.gov/srp/030620.pdf>):

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345 85
25 CHAIRPERSON FROINES: As a member of the UCLA
1 School of Public Health, I apologize.
2 (Laughter.)
3 PANEL MEMBER GLANTZ: You should.
4 (Laughter.)
5 PANEL MEMBER GLANTZ: We're doing a study of how
6 that paper came to pass. And it's going to get even more
7 unpleasant.
8 CHAIRPERSON FROINES: James Enstrom's paper --
9 PANEL MEMBER GLANTZ: -- that dreamt up by
10 Phillip Morris.
11 CHAIRPERSON FROINES: Go ahead.
12 PANEL MEMBER HAMMOND: How smoking doesn't cause
13 any lung cancer.

On June 23, 2003 Glantz told UPI ". . . . As far as I know, there's no legitimate scientist in the world who doesn't think secondhand smoke causes lung cancer and heart disease. There are a number of people paid by cigarette companies to say that it doesn't. . . . I think it is shameful the British Medical Journal published that study. . . ."
(<http://www.hawaiireporter.com/story.aspx?e3a73f3e-4104-43ba-8ece-a7169b47149c>).

These are all libelous statements that are either false or highly misleading, as I will explain below. They are not befitting a member of a scientific review panel that is charged with objectively evaluating a CARB report on ETS, much of which involves epidemiologic evidence on ETS and tobacco-related mortality. Furthermore, I have learned that Glantz's statements are part of a larger campaign to "silence science" regarding my *BMJ* paper, as documented in the 19-page 2005 paper by two sociologists, Drs. Sheldon Ungar and Dennis Bray, entitled "Silencing science: partisanship and the career of a publication disputing the dangers of secondhand smoke" (<http://pus.sagepub.com/cgi/reprint/14/1/5>). Ungar and Bray described in detail the "efforts to prevent the making of specific scientific claims in any or all of the arenas in which these claims are typically reported or circulated" as they related to my *BMJ* paper.

Aspect 2) March 8, 2005 KQED Radio *Forum*

On Tuesday, March 8, 2005 at 9:00 AM Glantz participated in the San Francisco based KQED Radio *Forum* (<http://www.kqed.org/epArchive/R503080900>). The topic was “**Funders and Academic Research: Forum** assesses the controversy surrounding the relationship between funders and academic research.” The host was Michael Krasny and the primary participants, in addition to Glantz, were Dr. Max Neiman, Chair of the system-wide University of California Committee on Research Policy, and Dr. Michael Kleinman, Adjunct Professor of Community and Environmental Medicine at UC Irvine. This program can be listened to in its entirety by clicking on the above link.

The program initially discusses Glantz’s attempt to have the California Attorney General’s Office launch a criminal investigation into an epidemiologic review article on ETS and SIDS written by Dr. Frank M. Sullivan, a retired Professor from University of London, who has had a long and distinguished career as a toxicologist in England. During this 52 minute program, the discussion of the “scandal” about me and my *BMJ* study occurred during the following time period (minutes:seconds): 16:57-19:15.

Four examples of libelous statements against me by Glantz, and the exact time at which they begin, are given below.

At 17:20 Glantz says the *BMJ* study “was not funded by the American Cancer Society” but by “Philip Morris.” Actually, the inflation-adjusted funding for the study, which began in 1959 and was published in 2003, came from the three primary sources: ~90% ACS, ~5% TRDRP, and ~5% CIAR (the ‘tobacco money’ portion). NO Philip Morris money was used for this study. Glantz, who could not precisely know the 44 year funding history of the study, simply made false statements about the funding of my study.

At 17:50 Glantz says I am “a damn fool” who was told by ACS that I “made inappropriate use of the data.” My use of ACS data began in 1991 and I had the full cooperation of and long standing working relationships with Lawrence Garfinkel and Dr. Clark W. Heath, Jr., now retired ACS Vice Presidents for Epidemiology. I have been conducting important long-term epidemiologic research with the California portion of the CPS I cohort. My dealings with ACS epidemiologists date back to 1978, when I received all my research funding from ACS. I am the ONLY investigator outside of ACS who has ever been allowed to follow ACS subjects. This access was granted largely because of the high quality of my ACS-funded epidemiologic research, begun in 1973. The ACS epidemiologists that I worked with realized the great potential value of long-term follow-up of the CPS I cohort and they would not have given important confidential data to “a damn fool.” Only in May 2003, when the *BMJ* paper was published, did the ACS (most specifically, Dr. Michael J. Thun) complain about my use of their data. I worked with Clark Heath on this study until 2001, when he was no longer able to continue because of his retirement. Heath was a co-author on the first version of the study that was submitted to and given serious consideration by the *New England Journal of Medicine*. I never worked with Thun on this study.

At 18:10 Glantz implies that I am “advocating a pro-tobacco position.” I am a lifelong nonsmoker and have never advocated a pro-tobacco position in my entire 35-year career or in my entire life for that matter. As evidence I am not “pro-tobacco,” I have spent much of my career

documenting the health benefits of being a nonsmoker, as can be seen by reading my publications on Mormons, which date back to 1975 (<http://legacy.library.ucsf.edu/tid/gei79c00>). In 1999 I published two papers indicating active smoking may be more dangerous than generally believed because its impact on mortality was less reversible by cessation than generally believed (<http://legacy.library.ucsf.edu/tid/tbf19c00> and <http://legacy.library.ucsf.edu/tid/wve19c00>). My findings regarding lung cancer and smoking cessation were largely confirmed in a Mayo Clinic study of Iowa women published the May 2003 *Journal of Clinical Oncology* (<http://www.jco.org/cgi/reprint/21/5/921>).

At 18:39 Glantz states “the science that the UCLA study did was crap.” My study is the largest and most detailed epidemiologic study on secondhand smoke and mortality ever published in a major medical journal. It is by far the largest study on Californians. The paper was peer reviewed by two of the world’s leading epidemiologists, Drs. Kenneth Rothman and George Davey-Smith. Rothman is the author of several major textbooks on epidemiology and founding editor of *Epidemiology* and Davey-Smith is co-editor of *International Journal of Epidemiology*. In the interest of transparency, the *BMJ* took the unusual step of posting the entire prepublication history of the paper online (<http://bmj.bmjournals.com/cgi/content/full/326/7398/1057/DC1>).

There might be some logic to Glantz’s attack if he had found a single error in my *BMJ* paper or had proved that the paper was “fatally flawed” because everyone alive in 1959 was equally exposed to ETS. But he has done neither of these things. In my August 30, 2003 *BMJ* letter I clarified the findings of my 1999 follow-up survey, which clearly showed that 1959 spousal smoking history was a valid measure of relative ETS exposure, particularly for females (<http://bmj.bmjournals.com/cgi/content/full/327/7413/504>). Also, I have evidence from three other independent surveys that spousal smoking status is a valid indicator of relative ETS exposure for subjects alive in the 1950s. Keep in mind, all subjects in the other US cohort studies were alive in 1959 and these studies are not considered to be “fatally flawed” by Glantz.

Aspect 3) Glantz’s April 2005 *Tobacco Control* paper

Glantz, along with Dr. Lisa A. Bero and M.-K. Hong, published a 9-page paper in the April 2005 issue of *Tobacco Control (TC)*, entitled “The limits of competing interest disclosures.” It is now posted on the following UCSF web site: <http://www.tobaccoscams.ucsf.edu/pdf/Enstrom-TC.pdf>. This paper questions the veracity of the following 200+ word competing interest disclosure statement made at the end of my *BMJ* paper: “Funding: The American Cancer Society initiated CPS I in 1959, conducted follow up until 1972, and has maintained the original database. Extended follow up until 1997 was conducted at the University of California at Los Angeles with initial support from the Tobacco-Related Disease Research Program, a University of California research organisation funded by the Proposition 99 cigarette surtax (www.ucop.edu/srphome/trdrp). After continuing support from the Tobacco-Related Disease Research Program was denied, follow up through 1999 and data analysis were conducted at University of California at Los Angeles with support from the Center for Indoor Air Research, a 1988-99 research organisation that received funding primarily from US tobacco companies. Competing interests: In recent years JEE has received funds originating from the tobacco industry for his tobacco related epidemiological research because it has been impossible for him

to obtain equivalent funds from other sources. GCK never received funds originating from the tobacco industry until last year, when he conducted an epidemiological review for a law firm which has several tobacco companies as clients. He has served as a consultant to the University of California at Los Angeles for this paper. JEE and GCK have no other competing interests. They are both lifelong non-smokers whose primary interest is an accurate determination of the health effects of tobacco.”

Any doubts that a reasonable person might have had regarding our competing interest disclosures were addressed in my August 30, 2003 *BMJ* letter: “We want to make clear that the tobacco industry played no part in our paper other than providing the final portion of the funding. The tobacco industry never saw any version of our paper before it was published, never attempted to influence the writing of the paper in any way, and did not even know the paper was being published until it became public. In addition, we have never testified on behalf of the tobacco industry, never owned any stock in the tobacco industry, never been employees of the tobacco industry, and would never have accepted tobacco industry funds if there had been any other way to conduct this study.” (<http://bmj.bmjournals.com/cgi/content/full/327/7413/504>).

In spite of our clear and unequivocal statement above, Glantz still went ahead and published a paper that completely mischaracterized the relationships that Dr. Kabat and I have had with the tobacco industry. This paper is simply an *ad hominem* attack designed to impugn our scientific integrity and damage our professional reputations. It is clearly libelous by the common definition of libel, “a written or oral defamatory statement or representation that conveys an unjustly unfavorable impression” (*Webster’s New Collegiate Dictionary*). In fact, I believe it contains the greatest amount of malicious libel ever published in a single peer-reviewed paper.

One particularly reprehensible example of the libel is Table 1, which shows “Financial ties between Enstrom, Kabat, and the tobacco industry” dating back to 1975. Although I actually had no “financial ties” of any kind with the tobacco industry before July 1, 1992, Glantz listed six alleged ties under “Enstrom” in Table 1 that were dated before 1992. To illustrate the maliciousness of his libel, I will discuss his first entry in detail.

As my first alleged “financial tie,” Glantz cited my 1975 correspondence with the Council for Tobacco Research (CTR), a research organization funded by the tobacco industry, regarding proposed epidemiologic research on Mormons (*TC* references 23-25). However, Glantz failed to mention that the actual December 1975 grant application to CTR was submitted by Dr. Lester Breslow, then Dean and Professor at the UCLA School of Public Health (<http://legacy.library.ucsf.edu/tid/bei79c00>). Breslow, a world-renowned public health authority, was my mentor and the principal investigator on several grant applications that we submitted to potential funding agencies. Next, Glantz failed to cite Breslow’s July 6, 1976 letter withdrawing the CTR application once we had received funding for this Mormon research from the ACS (<http://legacy.library.ucsf.edu/tid/sei79c00>). Then, Glantz failed to mention my 1978 *CANCER* publication on cancer mortality among active Mormons (<http://legacy.library.ucsf.edu/tid/msd3aa00>), which acknowledged on the first page the funding received from the ACS (Grant PDT-51).

Finally, Glantz failed to mention that Mormons are a religious group that advocates ABSTENTION from tobacco and that I was (and still am) studying them because their unusually low cancer rates offer an excellent opportunity to better understand etiologic factors associated with the prevention of cancer. If Glantz had any interest in fairly and accurately portraying me and my epidemiologic research interests during the past 30 years he would have cited my initial findings on Mormons that appeared on the front page of the Washington Post on November 18, 1974 (<http://legacy.library.ucsf.edu/tid/liw1aa00>). This one example related to one line in Table 1 of his *TC* paper indicates how he has selectively used tobacco industry documents in order to deliberately distort my career and my relationship with the tobacco industry. On its surface the *TC* paper purports to provide evidence of the inadequacy of the *BMJ*'s requirements concerning competing interest disclosures. However, beneath this veneer, the paper's true objective is to smear the reputations of two honest scientists who had the temerity to publish an influential paper reporting results which run counter to Glantz's firmly held beliefs.

In comparison with our 107-word *BMJ* funding statement shown above, please note Glantz's 15-word *TC* funding statement: "Research support – California Tobacco-Related Disease Research Program grant 9RT0193 and National Cancer Institute grant CA-87472." Missing from this brief statement is any clarification that NCI Grant 5R01CA087472 is a multi-million dollar NIH grant awarded to Glantz for "Analysis of Tobacco Industry Documents." It is part of a large NCI program on "Review and Analysis of Tobacco Industry Documents" (http://cancercontrol.cancer.gov/tcrb/grant_doc.asp). Thus, Glantz has a direct financial interest in writing a paper designed to justify his examination and analysis of tobacco industry documents. Furthermore, Glantz has failed to follow the NIH regulation requiring that the following disclosure statement be included in NIH-funded papers: "Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the [NCI]." (http://grants2.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part7.htm).

Regarding the *TC* paper, I believe that NIH funds have been inappropriately used for the writing of a paper that contains malicious libel and that has no direct connection to the mission of NIH. I find it particularly offensive that American taxpayers like myself, who expect NIH funds to be spent on finding ways to cure and prevent diseases, have to pay for the assassination of their own character. I have been able to get the attention of NIH Director Elias Zerhouni on this matter.

Aspect 4) Glantz's May 24, 2005 *Circulation* special report on ETS

Glantz has just published a 15-page special report in the May 24, 2005 issue of *Circulation*, entitled "Cardiovascular Effects of Secondhand Smoke: Nearly as Large as Smoking" (<http://circ.ahajournals.org/cgi/reprint/111/20/2684>). Glantz found "The pooled relative risk computed with a random-effects model (computed with Stata Version 7) was 1.31 (95% CI, 1.21 to 1.41), similar to the estimates of earlier meta-analyses." However, he omitted the two largest studies from his analysis relating ETS and coronary heart disease (CHD). The largest study, published in 1995 by Drs. Maurice LeVois and Maxwell Layard (<http://legacy.library.ucsf.edu/tid/sph32d00>), was omitted without comment and was not even cited. The second largest study (my 2003 *BMJ* study) was omitted with the claim that had "serious misclassification bias." Based on their statistical weight, these two studies represent

about 75% of the US evidence and 65% of the world-wide evidence. Yet Glantz dismissed them without any evidence that they differ in any material way from the other US cohort studies. All these studies examined never smokers classified by the smoking status of their spouse and the subjects in all these studies were alive as of 1959. Inclusion of these two studies would reduce the pooled relative risk to about 1.05. And there is no dose-response relationship as a function of spousal smoking level. Contrary to the title of Glantz's report, the effect of ETS is much smaller than the effect of active smoking on cardiovascular mortality.

A fair evaluation of all published epidemiologic evidence on ETS and CHD shows there is a great difference between the US evidence, where the relative risk is about 1.05 depending on how the exposure categories are compared, and the non-US evidence, where the relative risk is about 1.4-1.5 depending on how the studies are combined. It is not clear why the difference is so large, but most of the US evidence is based on cohort studies, whereas most of the non-US evidence is based on case-control studies. The distinction between the US and non-US evidence deserves proper explanation. If Glantz cannot objectively evaluate all studies in his own new review of ETS, then how can he objectively evaluate the evidence on ETS in the CARB report?

Conclusions

Epidemiology is replete with examples where the evidence on associations changes over time. Just consider the recent controversy about obesity discussed in the April 20, 2005 *JAMA* (<http://jama.ama-assn.org/cgi/reprint/293/11/1861.pdf>). Two groups of investigators from CDC have come to vastly different conclusions about the number of deaths attributable to obesity, but their differences have been dealt with professionally. The controversy about the health effects of ETS and the various epidemiologic studies on this subject should be handled the same way. The unprofessional tactics used by Glantz against honest scientists like me and Dr. Kabat should not be tolerated by the SRP. Given all the evidence presented above, it should be clear that Glantz is not objective on the subject of ETS. Thus, I feel he should be removed as a member of the SRP.

Finally, I request the opportunity to meet with at least one member of the SRP (other than Glantz) shortly before or after the SRP holds its June 24, 2005 meeting at UCLA. I would like to present additional evidence, not discussed above, that I feel is of great importance to the CARB report on ETS. This evidence may more fully explain why Glantz has been conducting a two-year campaign designed to discredit me and my research. This evidence will contribute to more accurately describing the health effects of ETS in California and to improving the quality of the CARB report on ETS.

Date: Mon, 13 Jun 2005 20:16:50 -0400
From: gck1@optonline.net
Subject: Submission for June 24, 2005 SRP Meeting
To: Jim Behrman <jbehrman@arb.ca.gov>
Cc: "James E. Enstrom" <jenstrom@ucla.edu>

June 13, 2005

Mr. Jim Behrman
Panel Liaison
Research Division
California Air Resources Board
jbehrman@arb.ca.gov

Dear Mr. Behrman:

In response to the announcement of June 24, 2005, Scientific Review Panel (SRP) meeting (<http://www.arb.ca.gov/srp/srpmeetings.htm>), I am submitting a document entitled "CARB SRP Kabat Complaint 061305.doc," which I request you distribute to the SRP members. My submission is meant to supplement that of Dr. James Enstrom.

Thank you very much for your attention.

Sincerely yours,

Geoffrey C. Kabat, Ph.D., M.S.
16 Bon Air Avenue
New Rochelle, NY 10804

Tel. 914-712-1046

cc: "James E. Enstrom" <jenstrom@ucla.edu>



[CARB_SRP_Kabat_Complaint_061305.doc](#)

Evidence Questioning the Fitness of Dr. Stanton A. Glantz to Serve as
a Member of the Scientific Review Panel on Toxic Air Contaminants
of the California Air Resources Board

Geoffrey C. Kabat, Ph.D., M.S.
New Rochelle, NY
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June 13, 2005

I am writing in support of the submission by Dr. James E. Enstrom of UCLA on the above topic. I concur with all the points he has made, and my comments supplement those in his submission.

I have conducted research in the field of cancer epidemiology for over twenty-five years. From 1978 to 1992 I held research positions at the American Health Foundation in New York City, where I was a co-investigator and then principal investigator on a large, multi-city case-control study of tobacco-related diseases. This work was under the leadership of Dr. Ernst L. Wynder and was funded predominantly by the National Cancer Institute. From 1992-1996 I was associate professor and cancer center investigator at the Albert Einstein College of Medicine and from 1996-2001 associate professor at the State University of New York at Stony Brook. I have published over seventy peer-reviewed papers in the area of cancer epidemiology, on topics including: the role of tobacco (both active and passive smoking), alcohol consumption, diet, endogenous hormone levels, electromagnetic fields, and anthropometric factors in the etiology of specific cancers).

The clear thrust of the many articles I have written on the health effects of tobacco is that smoking is a major cause of morbidity and mortality, that the only safe cigarette is an unlighted cigarette, and the benefits of quitting are substantial. On the issue of environmental tobacco smoke (ETS), I have always taken the position that no one should be exposed to this unnecessary form of pollution.

In 1990-92 I served as a member of the Scientific Advisory Board's Committee on Indoor Air Quality responsible for reviewing the Environmental Protection Agency's draft document *Respiratory Health Effects of Environmental Tobacco Smoke*.

Until the publication of the May 17, 2003 *BMJ* paper on ETS and tobacco-related mortality that I coauthored with Dr. Enstrom, my professional integrity had never been questioned or attacked. On the contrary, based on editorials and other comments in the literature, my work has been highly regarded (1-5). The attack on the *BMJ* paper was orchestrated by activists, particularly Dr. Stanton A. Glantz, whose primary concern is not the scrupulous reporting of scientific results on the effects of ETS but rather maintaining the momentum of the anti-smoking movement. Our paper was attacked not because it is of lower quality than the existing literature on the topic of ETS – quite the contrary -- but simply because we failed to show the desired association. If we

had hewed to the existing politically-motivated consensus, no one would have been upset with our paper.

In the interest of brevity, I will limit myself to two examples of Glantz's distortion of the facts relating to my research in his attempt to discredit the BMJ paper. These examples are contained in the paper he published with Bero and Hong in the April 2005 *Tobacco Control* entitled "The limits of competing interest disclosures" (henceforth 'TC paper') and posted on an appropriately named UCSF web site (<http://www.tobaccoscsm.ucsf.edu/pdf/Enstrom-TC.pdf>).

Example 1

The TC paper states: "Kabat had had an ongoing indirect relationship with the tobacco industry since at least 1981, through Ernst Wynder, whose American Health Foundation was funded by Philip Morris." (See the "**Kabat's ties with the tobacco industry**" section of the text, and the first entry in the "Kabat" column of Table 1, and the "Findings from tobacco industry documents . . ." column of Table 2).

The TC paper gives no definition of what "an ongoing indirect relationship with the tobacco industry" means. Nor is any evidence of this relationship provided. The facts are these: I never had any contact, or any relationship, with any representative of any tobacco company during the 14 years I worked at the American Health Foundation (AHF). I worked exclusively on NCI-funded projects and received my salary from NCI funds. None of the many papers I co-authored with Wynder at AHF acknowledged Philip Morris (PM) funding for the simple reason that no such funding was involved. Glantz's assertion that I had an "ongoing indirect relationship with the tobacco industry" reveals the logic of guilt by association in its pure state.

Example 2

"Two of the 21 papers Wynder and Kabat co-authored between 1981 and 1995 were related to passive smoking, concluding that there was no association of secondhand smoke with lung cancer" (See the "**Kabat's ties with the tobacco industry**" section of the text).

This is an example of how apparently objective statements are used by Glantz to imply dishonesty and collusion with the tobacco industry, where none existed. The 1984 paper (reference 90 in the TC paper) was one of the earliest case-control studies on ETS and lung cancer published in the U.S. (6). We had limited information on lifetime exposure to passive smoking and a limited sample size, so we were guarded in our conclusions. What we did, in this and subsequent papers, was to discuss the problems of assessing lifetime exposure to ETS with a view to promoting improved study designs to address this important question. As far as I know, this is not a criminal offense, but that is the underlying message conveyed in the TC paper.

The second paper (reference 91 in the TC paper) was the lead article in that issue of the *Am J Epidemiol* (7). It presented detailed information on lifetime exposure to ETS but still on a limited sample size. In contrast to certain earlier studies which found no overall association but emphasized small excesses in subgroups, we reported our results as follows: "While this study had limited sample size, the pattern of odds ratios shows little indication of an association of environmental tobacco smoke with lung cancer in nonsmokers." We concluded the article with the following sentence: "While an association between exposure to environmental tobacco

smoke and lung cancer in never smokers has compelling biological plausibility and potentially important public health implications, the methodological difficulties confronting these studies and the inconsistencies in their results illustrate the difficulty in using epidemiologic methods to establish and verify small excess risks.” Thus, the statement by Glantz that Kabat and Wynder concluded “that there was no association of secondhand smoke with lung cancer” is false and misleading.

There are a number of similar allegations concerning my work in the *TC* paper, all of which demonstrate the authors’ tactic of imputing guilt by association and attempting to portray legitimate scientific work as tainted by an undeclared pro-tobacco agenda. It is important to note, however, that at no point does Glantz comment on or question the scientific data contained in the papers he is discussing.

In view of his total disregard for facts and fairness and his willingness to indulge in McCarthy-style demagoguery, I believe Glantz’s presence on the SRP will damage the credibility of the CARB report. I recommend that he be removed from the SRP immediately.

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<http://www.arb.ca.gov/srp/srp0624.pdf>

**MEETING
STATE OF CALIFORNIA
AIR RESOURCES BOARD
SCIENTIFIC REVIEW PANEL
UNIVERSITY OF CALIFORNIA, LOS ANGELES
COVEL COMMONS, SUNSET VILLAGE
SALON A
330 DeNEVE DRIVE
LOS ANGELES, CALIFORNIA
FRIDAY, JUNE 24, 2005
9:30 A.M.**

JAMES F. PETERS, CSR, RPR
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APPEARANCES

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Dr. Roger Atkinson
Dr. Paul Blanc
Dr. Craig Byus
Dr. Gary Friedman
Dr. Stanton Glantz
Dr. Katharine Hammond
Dr. Joseph Landolph
Dr. Charles Plopper

REPRESENTING THE AIR RESOURCES BOARD:

Mr. Jim Aguila, Manager, Substance Evaluation Sections
Mr. Jim Behrmann
Mr. Robert Krieger, Air Pollution Specialist
Mr. Peter Mathews

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ASSESSMENT:**

Dr. George Alexeeff, Deputy Director
Dr. Melanie Marty, Manager, Air Toxicology and
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1 PROCEEDINGS

- 2 CHAIRPERSON FROINES: I'd like to call the
 - 3 meeting to order. The date is the 24th of June, 2005.
 - 4 And as I look around the room, all the members of the
 - 5 Panel are present. I don't think we need to take the roll
 - 6 with that statement.
 - 7 Stan pointed out something that is really quite
 - 8 interesting. I'm assuming that we're going to bring to
 - 9 closure today the Environmental Tobacco Smoke document.
 - 10 And this will be the first document that we have brought
 - 11 to closure since 1998, which was diesel. And we held the
 - 12 meeting -- the conference that we held on diesel was held
 - 13 in this room at that time. So many of the people in the
 - 14 room were here for that very successful conference, and in
 - 15 fact Kathy was testifying at it. So we have a historical
 - 16 event occurring.
 - 17 I have 2 things to say at the outset. And later
 - 18 we may hear from Kirk Oliver who's the lawyer for ARB.
 - 19 And I wanted to bring the Panel's attention, for the
 - 20 record, to the fact that there has been a communication
 - 21 from Dr. James Enstrom and a communication from Geoffrey
 - 22 Kabat. Enstrom is from UCLA. Kabat is from New Rochelle,
 - 23 New York. And both investigators have raised the question
 - 24 about whether Dr. Glantz should serve on the Panel in
 - 25 addressing Environmental Tobacco Smoke because of what
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- 1 they allege to be his biases. And so the question has
- 2 come before is now the -- I won't characterize their
- 3 document -- Jim, I think everybody has it, don't they?
- 4 Where is Jim?
- 5 MR. BEHRMANN: No, they do not yet.

6 CHAIRPERSON FROINES: Oh. Well, we'll make sure
7 that everybody has it. But they claim that Dr. Glantz
8 cannot objectively evaluate the studies in the new review
9 of ETS. And I'm tempted to characterize this document,
10 but I think I won't. I think I'll leave it for people to
11 draw their own conclusions. This week we -- so the
12 question is whether there is a conflict of interest and
13 whether Stan should sit on the Panel evaluating ETS, and
14 whether he can do that objectively is the question that's
15 been raised.

16 And Jim Behrmann and I have been meeting with
17 Kirk Oliver this week to discuss the legal issues from the
18 standpoint of the Agency. Parenthetically, the issue of
19 conflict of interest is something that we need a meeting,
20 at some point, to discuss how the Panel wants to approach
21 it the issue of conflict of interest. We haven't done
22 that probably as effectively as we might. And so, at some
23 point in the future, we will have a meeting to discuss
24 administrative procedures with respect to conflict of
25 interest.

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1 I'm comfortable with an approach like the
2 National Academy of Sciences where people actually
3 disclose any potential conflicts.
4 In any case, getting back to Stan. I just wanted
5 to say that based on the discussions with Kirk Oliver,
6 it's my conclusion and Kirk -- and the ARB legal staff's
7 conclusion that Dr. Glantz does not, does not, and I
8 emphasize, have a conflict of interest in the matter at
9 hand, and that Stan can -- we believe that Stan, and he
10 has stated at such, can fairly and objectively participate
11 in the Panel's review of the draft report. And given
12 Stan's assurances, I believe the Panel should move forward
13 to consider the draft report on the basis that Stan will
14 be an active participant within the deliberations. And
15 so, as far as I'm concerned, we should move ahead on that
16 basis. And I have nothing more to say unless some members
17 of the Panel have comments.