

AQMD FACT SHEET

July 17, 2013

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

- Two of the votes cast in favor of the beach fire motion came from AQMD board members who were unqualified to be appointed to their positions, and the chair of AQMD's board manipulated the system to hold his position:
 - **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.
 - **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.
 - **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). Special legislation was passed in 2007 (SB 886-Negrete-McLeod) to allow him to bypass the two-term limit on chairing the AQMD board. While he may be validly appointed by virtue of that legislative fix, he does not appear to have any of the requisite qualifications required for appointment, other than lamely as a "public member."

Burke recently (4/12/13) was forced to resign his seat as a commissioner of the California Coastal Commission because of conflicts of interest between the Commission and the AQMD over the beach fire ring issue. Instead of surrendering his chairmanship of AQMC, he resigned his seat on the Coastal Commission (California's Government Code 1099 otherwise dictated that he keep the most recent appointment). 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 (except for Mojave APCD) that is not also an elected official, as is

the case for all 34 other APCD Boards, and is clearly required under H&SC Sec. 40420?

CREDIBILITY OF PROCESS

- AQMD has stonewalled requests from legislators and the press:
 - It has not provided information 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.
 - It also stiffed 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.

CREDIBILITY OF SCIENCE

- There is a virtual bonfire of controversy surrounding the now-disgraced activist scientist who has cooked the science around air quality issues in California.
 - 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.
 - 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.
 - Froines was a key player in the decision by CARB to name particulate matter smaller than 2.5 nanometers a Toxic Air Contaminant, 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.
 - 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 sits on the AQMD science panel.
 - 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.

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- 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.
- 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.
- 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.

AQMD LACKS CRITICAL SCIENTIFIC EXPERTISE

Out of more than 635 employees, AQMD only has two PhD-level scientists on its staff, Matt Miyasato (a PhD and M.S. in Engineering, UC-Irvine) and Philip Fine (PhD in Environmental Engineering Science, CIT). Neither is a specialist in epidemiology or statistics. It relies instead almost entirely on outside scientific panels and state regulatory bodies for scientific justification of its actions.

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
- 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.

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- 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.