

Comment Letter #81

From: JAMES ENSTROM <jenstrom@ucla.edu>
Sent: Monday, June 13, 2022 10:00 AM
To: Ian MacMillan <imacmillan@aqmd.gov>
Cc: Nichole Quick <nquick@aqmd.gov>; Elaine Shen <eshen@aqmd.gov>
Subject: June 7 STMPR Zoom & June 8 EPA CASAC Ozone Comment

June 13, 2022

Dear Ian,

As a follow-up to our June 7 STMPR Zoom Meeting, I request that you read my attached June 8 Comment to the EPA CASAC Ozone Review Panel and the twelve weblinks that it contains. The six major points in my comment are highly relevant to the 2022 AQMP. I have substantial evidence that personal exposure to ozone and PM2.5 for most people in the SCAB is well below the NAAQS for ozone (70 ppb) and PM2.5 (12 ug/m3). If instance, at my home near UCLA my ozone meter consistantly shows an indoor level of about 10 ppb and a maximum outdoor level of 30 ppb. You must measure ozone and PM2.5 levels in your AQMD offices for comparison with my levels and the levels stated in the AQMP.

In addition, I have attached the June 8 CA Open Letter to CARB opposing the proposed CARB Climate Change Scoping Plan. I have substantial evidence that this Scoping Plan is scientifically unjustified, economically devastating, and in many ways illegal. Finally, I have attached the February 2021 CA Auditor Report on CARB, which documents that CARB has not demonstrated the effectiveness of its programs in reducing GHG emissions and providing Socioeconomic Benefits to Californians.

I look forward to working with you and using my epidemiologic expertise to improve the 2022 AQMP.

Thank you very much for your interest and consideration.

Best regards,

Jim
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June 8, 2022

US EPA CASAC Ozone Review Panel Regarding Ozone NAAQS Reconsideration

https://casac.epa.gov/ords/sab/f?p=113:19:8532987399969:::19:P19_ID:972

https://youtu.be/5Qsqhqb5_F0 (minutes 20-26)

<http://scientificintegrityinstitute.org/OzonePanel060822.pdf>

Dr. James Enstrom's Verbal Comment to EPA CASAC Ozone Review Panel

I am Dr. James Enstrom. I have had a long career as an epidemiologist at UCLA and I have made significant contributions to air pollution epidemiology, particularly regarding the importance of transparency and reproducibility. The 2000 EPA CASAC, the 2000 EPA Administrator, and the [April 2022 EPA Ozone Policy Assessment Reconsideration](#) all recommended that the ozone NAAQS remain unchanged at 70 ppb. Thus, the Ozone Panel should not reconsider the ozone NAAQS at this time, but should reconsider it later during the regular 5-year review cycle. Instead, the Ozone Panel should assess six fundamental aspects of the science underlying the NAAQS.

1. Assess the extensive criticism of the linear no-threshold (LNT) model and estimate the threshold below which ozone has no adverse human health effects. U Massachusetts Professor Edward Calabrese published a May 17, 2022 "LNTGate" critique of LNT (<https://doi.org/10.1016/j.cbi.2022.109979>). It illustrates how acceptance of the LNT dose-response model was unethically advocated and advanced in the 1950s by key scientists and by *Science*, America's leading science journal. Unfortunately, *Science* will not acknowledge errors in four historical articles that are cornerstones in acceptance of the LNT model.

2. Assess the human health effects of ozone based on actual human exposure to ozone, not on the readings of ambient air monitors (<https://doi.org/10.1016/j.envint.2018.07.012>). There is extensive published evidence that most Americans are personally exposed to less than 20 ppb of 8-hour ozone because they spend up to 90% of their time indoors (<https://doi.org/10.1111/ina.12942>). In addition, the average seasonal 8-hour maximum ozone concentration in 2019 in the US was 43 ppb (<https://www.stateofglobalair.org/air/ozone>). The average indoor and outdoor ozone levels are both far below the current ozone NAAQS of 70 ppb (1.0 ppb \sim 2.0 $\mu\text{g}/\text{m}^3$). Thus, most Americans are not exposed to unhealthy levels of ozone.

3. Assess the extreme publication bias against null air pollution health effects findings by examining key null findings that have been ignored by EPA. My December 10, 2021 CASAC PM Panel comment (<http://scientificintegrityinstitute.org/PMpanel121021.pdf>) and my February 25, 2022 CASAC PM Panel comment (<http://scientificintegrityinstitute.org/PMpanel022522.pdf>) document that the 2021 PM ISA and PA ignored at least 60 authors, including me, who have published null findings or criticized the PM2.5 NAAQS. Similar publication bias exists regarding the ozone NAAQS.

4. Assess the evidence that ozone health effects must be based on findings that are transparent and reproducible. My 2017 and 2018 reanalyses of the ACS CPS II cohort found serious flaws in the seminal Pope 1995 article and the 2000 HEI Reanalysis and demonstrated the importance of access to underlying data (<http://scientificintegrityinstitute.org/DRPM25JEEPope052918.pdf>). However, *Science* Editor-in-Chief Holden Thorp recently demonstrated his strong bias against EPA transparency by personally stating to me that he will not publish any evidence that I submit to *Science* that supports "Strengthening Transparency in Regulatory Science" (<http://scientificintegrityinstitute.org/ThorpJEE041822.pdf>).

5. Assess the evidence that the ozone NAAQS is so low that it is impossible to ever reach attainment in many areas, especially in California. The April 15, 2022 SCAQMD Notice of Intent to sue EPA is necessary because it is impossible for the South Coast Air Basin to attain the 1997 Ozone NAAQS of 80 ppb without massive emissions reductions from Federal sources not controlled by SCAQMD (<http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>). EPA must recognize that California is a very healthy area of the US and that the current clean air in California is not harming its citizens (<http://scientificintegrityinstitute.org/AQMPJEE081516.pdf>). Overregulation by EPA is hurting California both scientifically and economically.

6. Finally, CASAC Panel members must recognize the different interpretations of weak epidemiologic evidence and engage with critics like myself. Simply note the difference between the 2020 CASAC and the 2022 CASAC regarding the assessment of the same PM2.5 data (<https://junkscience.com/2021/10/former-casac-chair-added-as-plaintiff-in-young-v-epa/>). It is important that you assess evidence objectively, keeping in mind the above points. This request is particularly critical at a time when the US faces a serious energy crisis that is made worse by unjustified EPA regulations on ozone and PM2.5.

Thank you very much.

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From: **Dr. Harvey Risch** <harvey.risch@yale.edu>
Date: Thu, Jun 9, 2022 at 8:19 PM
Subject: Comment re: EPA CASAC Ozone Panel
To: Yeow, Aaron <yeow.aaron@epa.gov>

Because EPA regulations have a major impact on life in America, they need to be based on the best scientific methods and include all relevant public health evidence. Thus, assessment of ozone health effects must properly address the following important issues: 1) threshold for human health effects, 2) actual human exposure, 3) publication bias against null findings, 4) transparency and reproducibility of findings, 5) realistic attainment levels, and 6) alternative interpretations of health effects evidence. Specific details regarding these six issues are contained in the June 8, 2022 EPA CASAC Ozone Panel Public Comment of Dr. James Enstrom. Please consider very seriously what Dr. Enstrom discussed. Thank you.

Harvey Risch

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OPEN LETTER TO CARB ON UPCOMING CLIMATE POLICY REGULATIONS

California Air Resources Chair Liane M. Randolph and Board Members
 1001 I Street
 Sacramento, CA 95814



Dear Board Members,

As California businesses begin to emerge out of the devastating COVID-19 pandemic that impacted every facet of our lives, we are now facing another major challenge - unprecedented energy costs. Some of these higher energy costs are certainly the result of the Russian invasion of Ukraine. However, the premium Californians pay for all forms of energy is also unquestionably the result of California's energy and climate policy design.

Governor Newsom and Legislators have proposed immediate action to get money directly into the pockets of Californians facing higher energy costs. At the same time, this Board is on track to adopt major regulations over the next few months that have the potential to drive businesses out of California, resulting in job losses, increase cost of living – including food, utilities, and housing costs – and major declines in economic activity.

We collectively have deep concerns with the direct negative impacts from the Climate Change Scoping Plan to meet the AB 32 emissions mandate and the Advanced Clean Cars Rule (ACC II), both of which you will be considering over the course of the coming months.

The decisions made and the path chosen will have a profound impact on all Californians, dictating how they must run their businesses, what cars they can drive, where they can live, and what stove they can cook with. Life as we know it in California will be altered going forward.

ACC II and the Scoping Plan will have major implications for businesses and individuals in California, including:

- **Higher utility costs** disproportionately impacting inland and rural communities
- **Eliminating consumer choice** by mandating all electric vehicles, appliances, residential and commercial buildings
- **Worsening our electric grid reliability** by pushing electrification without the infrastructure in place, thus increasing the likelihood of power outages
- **Increasing costs to businesses**, especially agricultural and goods movement sectors

To lessen the impacts on those that can least afford it, climate policies must be cost-effective, technology-neutral and most protective of the state's skilled and trained workforce. We



respectfully urge you to consider that selecting an unnecessarily high-cost pathway will deepen inequality for millions of Californians who are already feeling the squeeze of high energy costs.

California's climate policies have become more aggressive and more regressive, usually dictated by coastal affluent communities to the detriment of the rest of California's communities struggling to make ends meet. Our climate solutions should be available to all Californians, not just those that can afford electric vehicles, new appliances, and rooftop solar power.

There is no question that the climate crisis is real. We are all committed to being a part of the solution for a lower carbon future.

We believe you can create holistic climate strategies that consider the needs of every community, especially those most vulnerable to high costs, foster innovation, create jobs, and rebuild California's dwindling middle class. We can show the other states and nations that California can lead the way, without leaving anyone behind.

Getting it right will take courage from policy makers and regulators to think creatively, make adjustments, and stand up against costly and harmful policies.

As business and community leaders, we stand ready to work with this Board to adopt and implement an energy policy for our state that embraces carbon removal and other technologies to meet our emissions goals without forcing us to rely on a single technology that our electricity grid and infrastructure is ill-prepared for. For the sake of every Californian, and as an example to the Nation, we must get it right.

Sincerely,

African American Farmers of California, Will Scott Jr., President

Agricultural Energy Consumers Association, Michael Boccadoro, Executive Director

Californians for Affordable and Reliable Energy (CARE Coalition), Rob Lapsley, Chair

California Alliance of Small Business Associations, William R. La Marr, Executive Director,

California Asian Chamber of Commerce, David Nelson, VP of Public Policy

California Business Roundtable, Rob Lapsley, President & CEO

California Farm Bureau, Jim Houston, Administrator

California Fresh Fruit Association, Ian LeMay, President

California Fuels and Convenience Alliance, Samuel Bayless, Director of Policy

California Hispanic Chamber of Commerce, Julian Canéte, President

California League of Food Producers, Trudi Hughes, President & CEO

California Manufacturers and Technology Association, Lance Hastings, President & CEO

Central Valley Business Federation, Clint Olivier, CEO

Central Valley Latino Mayors and Elected Officials, Victor Lopez, Chair

Central Valley Yemen Foundation, Ali Ahmed, Co-Chair

Coastal Energy Alliance, Chris Collier, Founder & President

Fresno Farm Bureau, Ryan Jacobsen, CEO

Hispanic Chamber of Commerce San Francisco, Carlos Solórzano, CEO

Inland Empire Economic Partnership, Paul Granillo, President & CEO

International Warehouse Logistics Association, Mike Williams, Executive Director

Kings County Farm Bureau, Dusty Ference, Executive Director

Los Angeles Business Federation, Tracy Hernandez, Founder & CEO

Latin Business Association, Ruben Guerra, Chief Executive

Milk Producers Council, Kevin Abernathy, General Manager

Nisei Farmers League, Manuel Cunha Jr., President

Pro Small Biz CA, Jack Frost, President

Raisin Bargaining Association, Harvey Singh, Chairman

Small Business California, Scott Hauge, President, and Founder

Si Se Puede Foundation, Doug Kessler, Executive Director

Torrance Chamber of Commerce, Donna Duperron, President & CEO

Tulare County Farm Bureau, Tricia Stever Blattler, Executive Director