



334 N. Euclid Avenue
Upland CA 91786
(909) 982-9898

January 6, 2010

President Mark G. Yudof
Office of the President
University of California
1111 Franklin Street, 12th Floor
Oakland, CA 94607
president@ucop.edu

RE: Urgent Request for Calculations of California-specific Relationship Between PM2.5 and Premature Deaths by Michael L. Jerrett, Ph.D.

Dear President Yudof:

On December 9, 2009 the California Air Resources Board (CARB) voted to redo the October 24, 2008 CARB Final Staff Report, "Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California" (Tran Report), because of concerns about its scientific integrity, including the confirmed dishonesty and fraud of its lead author Hien T. Tran.

This report found that diesel particulate matter (PM), the diesel portion of fine particulate matter (PM2.5), contributes to 3,500 annual premature deaths in California. This finding is the primary scientific justification for the Statewide On-road Truck and Bus Regulation (Truck Rule) that were approved by the CARB on December 12, 2008.

The Truck Rule is the most expensive regulation ever approved by CARB, by the agency's own admission (\$5 billion) and our industry estimates, based on our real-world experience in purchasing new trucks are at least four times as much (\$20 billion). This regulation will have a devastating impact on the California economy that relies upon diesel trucks and buses, including California's cash-strapped school districts, and could destroy thousands of California businesses that cannot afford to comply with these regulations. This will only add to California's unemployment and reduce tax revenue when California can least afford it.

The Truck Rule is the culmination of a process that began after diesel exhaust was identified as a Toxic Air Contaminant by the CARB Scientific Review Panel in 1998. The University of California (UC) is directly involved in this matter because four CARB members are senior UC professors, two peer reviewers of the Tran Report are UC professors, the Research Screening Committee includes six senior UC professors, and the Scientific Review Panel on Toxic Air Contaminants has included six senior UC professors since 1998. In addition, the UC President is obligated by state law to regularly nominate candidates to the SRP (California Health & Safety Code §39670), although the record indicates that very few nominations have been made during the past 20 years. Furthermore, UC Berkeley Professor Michael L. Jerrett has published extensively since 2000 on the relationship between PM2.5 and premature deaths and has been under contract with CARB for the last two years to produce California-specific results on this relationship.

There is serious disagreement among the scientific community regarding the relationship between PM2.5 and premature deaths. Evidence from six independent sources indicates that there is NO current relationship between PM2.5 and premature deaths in California. Three of these sources originate from the 2000 and 2009 Health Effects Institute (HEI) reports that Dr. Jerrett co-authored.

Clarification of the California-specific evidence from these sources would definitively resolve this issue. Dr. Jerrett is the California scientist in the best position to clarify these results. A detailed request for California-specific results was made to Dr. Jerrett as part of a July 11, 2008 CARB teleconference and this request was repeated and expanded upon in December 10, 2008 public comments to CARB. In addition, Dr. Jerrett was invited to present these results at the August 1, 2009 Forum on CARB Diesel Science in Ontario, California. Dr. Jerrett has failed to respond to these requests, in spite of the fact that the underlying data used in his research for HEI is subject minimally to the disclosure requirements of the Federal Data Access Act.

We are sending this letter to you, with a copy to Dr. Jerrett, in the hope that he will understand the urgent need for California-specific results and will voluntarily make them public as soon as possible. If these results do not already exist in the format previously requested, they can be produced within one week by simply rerunning the national analyses contained in the two HEI reports and restricting them to California subjects only. Thus, we request that Dr. Jerrett provide us with the California-specific results described above by January 15, 2010. This deadline is requested because Dr. Jerrett has had since July 11, 2008 to prepare a response and because sufficient time is needed to prepare formal comments for the January 28, 2010 CARB meeting.

In addition, given the scientific and economic importance of this issue, the underlying 1982 American Cancer Society Cancer Prevention Study (CPS II) data should be made publicly available as soon as possible. This data is needed for independent and transparent analysis and interpretation of the California-specific results. If Dr. Jerrett fails to respond by January 15, 2010, then we request that you compel him to comply in a manner that is consistent with the Federal Data Access Act, the California Public Records Act (California Government Code §§6250-6276.48), the California Health & Safety Code §39601.5 (AB 1085), and the UC Standards of Ethical Conduct.

Thank you very much for your consideration regarding this important request.

Sincerely yours,



Lee Brown, Executive Director
California Dump Truck Owners Association
(CDTOA)



Bill Davis, Executive Vice President
Southern California Contractors Association
(SCCA)



Skip Brown, Owner
Delta Construction


Of interest signatories,



Bryan Bloom, Owner
Priority Moving, Inc.



Steve Weitekamp, President
The California Moving & Storage Association
(CMSA)



Jay McKeeman, VP Government Relations
California Independent Oil Marketers Association
(CIOMA)



Mike Lewis, Senior Vice President,
Construction Industry Air Quality Coalition
(CIAQC)

cc: Michael L. Jerrett, Ph.D.
School of Public Health
University of California
Berkeley, CA 94720
jerrett@berkeley.edu
(510) 642-3960