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October 20, 2009

California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Re: Alleged Unethical Conduct Justifying Suspension of CARB On-road Diesel Regulations

Dear Board Members:

I am writing in order to strongly recommend that you suspend all CARB on-road diesel regulations for the scientific, legal, and economic reasons stated in the February 17, 2009 letter signed by three California legislators (http://www.arb.ca.gov/lists/siprev09/1-carb_devore_villines_correa_letter_regarding_diesel_regs_021709.pdf), the September 9, 2009 letter signed by 52 California legislators (<http://arc.asm.ca.gov/member/5/pdf/CARBLetter.pdf>), the September 3, 2009 comments submitted by the California Dump Truck Owners Association (http://www.arb.ca.gov/lists/truckbus08/1093-15-day_cdtoa_comments_to_arb.pdf), and the October 21, 2009 Bakersfield Californian column by Lois Henry "CARB can't ignore credibility problems" (<http://www.bakersfield.com/news/columnist/henry/x1260873480/LOIS-HENRY-CARB-cant-ignore-credibility-problems>).

Furthermore, I strongly recommend that you suspend all CARB on-road diesel regulations because of alleged unethical conduct in connection with these regulations by Mary D. Nichols, J.D., Chair of CARB, and John R. Froines, Ph.D., Chair of CARB Scientific Review Panel on Toxic Air Contaminants. I have substantial evidence that in their concurrent positions as UCLA Professors, Mary D. Nichols and John R. Froines have engaged in unethical conduct, based on my interpretation of the *University of California Standards of Ethical Conduct* (http://www.ucop.edu/ucophome/coordrev/policy/PP101305_Ethics.pdf). Initially, I sent a March 11, 2009 letter to UCLA Chancellor Gene D. Block requesting a meeting to present my evidence that Professors Nichols and Froines have deliberately and repeatedly violated the letter and the spirit of the *University of California Standards of Ethical Conduct* (http://www.cdtoa.org/CARBdocs/Delta_UCLA_Letter_031109.pdf). I received a March 17, 2009 "PERSONAL & CONFIDENTIAL" response from William H. Cormier, J.D., of UCLA on behalf of Chancellor Block which stated that "UCLA takes allegations of scientific misconduct very seriously" and which requested that I provide "specific information" in writing so that UCLA could properly evaluate my allegations.

Subsequently, I sent a detailed April 13, 2009 letter with ten attachments (39 total pages) to Chancellor Block and Mr. Cormier regarding "Alleged Unethical Conduct by UCLA Professors Mary D. Nichols and John R. Froines"

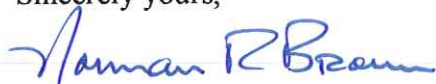
(http://www.cdtoa.org/CARBdocs/Delta_UCLA_Letter_041309.pdf). I received a May 27, 2009 "PERSONAL & CONFIDENTIAL" response from Mr. Cormier that concluded "the information you provided was neither credible nor specific enough under our policies to warrant a research misconduct inquiry." Then, I sent a more detailed June 30, 2009 letter with eight attachments (54 total pages) to Mr. Cormier regarding Professor Froines

(http://www.cdtoa.org/CARBdocs/Delta_UCLA_Letter_063009.pdf). It took three months (September 28, 2009) to receive a final "PERSONAL & CONFIDENTIAL" response from Mr. Cormier that concluded "your concerns and the information you have provided are not evidence of falsification of research results or other research or ethical misconduct that would warrant any further inquiry under University policy."

Based on my personal experience as a California businessman who has owned and run Delta Construction Company, Inc. ethically and honestly for 45 years, I strongly dispute Mr. Cormier's conclusions about my evidence and his interpretation of the *University of California Standards of Ethical Conduct*. Thus, I would like CARB members (other than Chair Nichols), members of the California legislature, and California businessmen impacted by CARB diesel regulations to make their own assessment of my evidence. Evidence that UCLA Professors Nichols and Froines have engaged in unethical conduct as defined by the *University of California Standards of Ethical Conduct* provides strong justification for suspension of CARB on-road diesel regulations until the scientific and legal bases for these regulations can be fully and fairly reassessed.

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

Sincerely yours,



Norman R. Brown
President