



California Construction Trucking Association

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CalConTrk.org

June 17, 2014

The Honorable Lamar Smith, Chairman
House Committee on Science, Space, and Technology
2321 Rayburn House Office Building
Washington, D.C 20515

Re: Letter in support of H.R. 4012

Dear Chairman Smith,

I am writing to express our association's support of legislation (H.R. 4012) that would prohibit the U.S. Environmental Protection Agency (U.S. EPA) from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.

The California Construction Trucking Association (CCTA) is a 501(c)(6) trade association incorporated in 1941 and headquartered in Upland, California. The CCTA is constituted of four conferences, each designed to represent and provide for the distinctive needs of a particular segment of the trucking industry. While our members still predominantly operate dump trucks made up of every style and configuration, our collective membership operates virtually every type of commercial motor vehicle imaginable. We actively maintain transportation conferences for oversized (permitted) lowbed loads, water trucks, concrete boom and trailer pumps, and most recently interstate motor carriers under the conference name- Western Trucking Alliance. Collectively, our members and affiliates operate nearly 20,000 commercial motor vehicles.

As a California-based trade association our members have firsthand knowledge of the price paid for unnecessary regulations based on faulty science which is the the reason we support H.R. 4012. The California Air Resources Board (CARB)¹ has issued the most draconian diesel engine emissions regulations in the nation – endorsed by the U.S. EPA through approval of California's State Implementation Plan (SIP). With the recent EPA (2012) approval of this SIP, CARB mandated the obsolescents of mostly EPA-compliant heavy-duty diesel powered vehicles in or that come to California equipped with pre-2010 emissions engines. This is one of the most expensive regulatory assaults on small-businesses in the nation acknowledged to cost the trucking industry into the tens of billions of dollars!

The very basis for CARB's diesel engine regulations (besides the special status California enjoys under the Clean Air Act to independently regulate emissions which every state can adopt if they choose) is the absolutely unproven and specious claims that diesel particulate emissions (PM 2.5) is prematurely killing thousands of Californians annually.

In 1998, at a time when diesel engine manufacturers and their technology were making great strides to clean diesel engine emissions, California became the only political entity on the planet to declare diesel exhaust a "toxic air contaminant" and the individual responsible for that designation was primarily UCLA professor John Froines PhD who chaired the states Scientific Review Panel on Toxic Air Contaminants. Mr. Froines is one of the overlooked members of the Chicago Seven charged with

¹ On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation – see: <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

conspiracy and inciting to riot during the 1968 Democratic National Convention.² Dr. Froines radical views on how society should be governed and controlled found a home in the environmental movement where his scientific research and conclusions found a willing audience all too ready to believe in manufactured data to support their collective belief system.

As California promulgated their anti-truck regulations, a CARB employee Hein Tran, key author of the mortality study used as a basis to justify regulating both off-road and in-use diesel powered trucks was found to have faked his academic credentials. The doctorate he claimed to have earned from the University of California at Davis was in fact bought from a New York City diploma mill – and a public health agency claiming to adhere to high academic standards – CARB, still employees Mr. Tran.

Throughout this entire tawdry process, the CCTA exposed all of the fraud and deceit in an attempt to thwart an agency intent on regulating without any sound scientific basis and access to American Cancer Society mortality data. We have sued the agency in federal court, introduced a relevant but un-utilized 2010 NIOSH mortality study on truck drivers that showed truckers diesel exhaust exposure and mortality³ are not linked, networked with many academics that have contrary data indicating CARB's assumptions are not science based, and still the agency plows forward destroying many transportation businesses all with the help of the U.S. EPA. It's no wonder that California's Inland Empire is being economically compared to Appalachian America in terms of unemployment, lost economic activity, and poor health outcomes as a direct result of overzealous environmental regulation.

To further burst the bubble of both academics and state and federal agencies intent on “buying” the research results they want in order to justify regulations, none other than the United Nations Economic Commission for Europe issued a report just last month that completely upends the rationale utilized by both the U.S. EPA and CARB to regulate heavy-duty diesel truck owners. The report is titled “Diesel Engine Exhausts: Myths and Realities”⁴ and unequivocally states, “...diesel driven road vehicles came to the centre of attention to the extent that they have become “demonized” and the studies author further said, “In fact, road transport counts for only three per cent of diesel emissions in the United States of America and 15 per cent in the European Union.” The U.N. report concluded, “...with a high degree of reliability that it is misleading to claim that people's exposure to diesel engines of road motor vehicles is the cause of increased risk of lung cancer. Therefore, the claim that emissions from diesel engine exhausts from road transport are the main cause of lung cancer in humans needs to be seriously challenged.”

For these reasons and a long list of data access requests (and denials) our organization has been involved with, we support H.R. 4012 as the only means to protect individuals and businesses from unnecessary government regulation based on “junk science.” Government agencies should not be afraid of transparency in the data-sets they utilize to promulgate regulations. If study results used to regulate cannot be independently reproduced, then U.S. EPA shouldn't be allowed to push forward with job killing mandates all to placate a vocal minority of environmental activists.

Sincerely,



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² See: http://articles.latimes.com/1990-01-30/news/vw-1032_1_radical-past

³ <http://www.caltransnews.com/trucker-to-trucker/2266-mortality-study-on-owner-ops-disproves-claims-of-risk-from-exposure-to-pm25>

⁴ [http://www.unece.org/fileadmin/DAM/trans/main/wp5/publications/Diesel Engines Exhausts Myths and Realities 2014.pdf](http://www.unece.org/fileadmin/DAM/trans/main/wp5/publications/Diesel_Engines_Exhausts_Myths_and_Realities_2014.pdf)