

## **Fresno doctor wants truck air rules suspended**

### **Staff member who lied about his training helped with research**

By E.J. Schultz / Bee Capitol Bureau

In the Fresno Bee, Tuesday, Dec. 1, 2009

SACRAMENTO -- A Valley representative on the state air board wants the board to suspend new pollution rules for trucks because they rely on research from a staff member who lied about his credentials.

California Air Resources Board member Dr. John Telles of Fresno voted for the landmark regulations a year ago. But months later he found out that the lead author of a report on health effects of soot falsely claimed to have a doctorate in statistics from University of California at Davis. Hien Tran later confessed that he obtained an online degree from Thornhill University, state documents say.

"Failure to reveal this information to the board prior to the vote not only casts a doubt upon the legitimacy of the truck rule but also upon the legitimacy of [the California Air Resources Board] itself," Telles wrote in a Nov. 16 letter to Ellen Peter, the board's chief counsel.

In an e-mail to Telles, board chairwoman Mary Nichols said she was aware before the vote that Tran had misrepresented his credentials. She downplayed his role -- noting his work was reviewed by others -- but said "it was a mistake not to have informed you and the rest of the board about this issue."

Peter also responded to Telles, telling him in a letter that the board met procedural requirements and the "legitimacy of the truck rule is not undercut."

But Telles is not satisfied.

"I voted for the truck rule because I thought it was a good idea, but I don't think it's a good idea to not have all the information," he said in an interview. The board should "temporarily set aside the truck rule until this gets worked out," he said -- adding that he might make the request at a board meeting next week. The regulations, approved in December 2008, require owners of older trucks to install pollution filters starting next year. Beginning in 2013, owners must replace older trucks with 2010 or newer models.

The regulations drew praise from environmentalists and some asthma sufferers in the Valley, who blame truck pollution for health problems. But the trucking industry lobbied against the rules, saying they could not afford to buy the smog controls or new rigs during a recession.

Big diesel trucks are a major contributor to soot pollution -- known as particulate matter -- and most trucks on the road today have few emissions controls or none, according to the Air Resources Board.

The report Tran assembled blamed particulate matter for thousands of premature deaths statewide annually.

In his letter, Telles said he found out in September that Tran did not hold a University of California degree when the issue came up in public testimony. Telles spent hours researching the matter. He requested internal documents and discovered that Tran confessed the misrepresentation to air board executives on Dec. 10 -- the day before deliberations on the truck rule began.

Earlier this year, Dr. S. Stanley Young, of the National Institute of Statistical Sciences, sent a letter to Gov. Arnold Schwarzenegger questioning Tran's report, saying "none of the authors are professional statisticians."

Linda Adams, the governor's Secretary for Environmental Protection, defended the report in part by citing Tran's University of California degree.

Tran has since been demoted and was suspended for 60 days without pay as punishment for the misrepresentation, said air board spokesman Leo Kay.

In her e-mail to Telles, Nichols said Tran was "not the source of any original research, but really just a compiler."

Telles, a cardiologist, said he doesn't dispute the science. But he wants the report reviewed by researchers who were not involved the first time.

[Sacramento Bee, Commentary, Wednesday, Dec. 2, 2009:](#)

## **Dan Walters: Air board's cover-up casts pall on diesel rules**

By Dan Walters

A year ago, high officials of the California Air Resources Board learned that the author of a statistical study on diesel soot effects had falsified his academic credentials.

The CARB researcher, Hien Tran, acknowledged the deception and agreed to be demoted, but after his data were given another peer review, they remained the basis of highly controversial regulations that will cost owners of trucks, buses and other diesel-powered machinery millions of dollars to upgrade their engines. The Tran study concluded that diesel "particulate matter" was responsible for about 1,000 additional deaths each year.

Only recently, with the rules on the verge of final promulgation, did board officials formally acknowledge Tran's falsification, largely because one board member, Fresno cardiologist John Telles, did his own investigation and complained about an apparent cover-up.

Telles, in sharp letters to board officials and during last month's CARB meeting, said the chain of events casts a pall over the legitimacy of the vote to proceed with the new rules.

"Failure to reveal this information to the board prior to the vote not only casts doubt on the legitimacy of the truck rule, but also upon the legitimacy of CARB itself," Telles said, adding, however, that he doesn't question the validity of the science.

Industry critics have jumped on the revelation that Tran falsely claimed he received a doctorate from the University of California, Davis, but the board's staff rejects the complaints.

"What Tran did was bad," James Goldstene, CARB's executive officer, said Tuesday, "but the science was sound."

"Nobody was kept in the dark," Goldstene said in response to Telles. "I don't think his point is valid."

However, Mary Nichols, CARB's chairwoman, told Telles in a Nov. 10 e-mail that the "staff response was a matter of poor judgment, but not deceptive or irresponsible," and she added her personal apologies "for failing to convey information you were entitled to have."

In July 2008, Dr. S. Stanley Young, an official of the National Institute of Statistical Sciences, wrote to Gov. Arnold Schwarzenegger, complaining that "none of the authors (of the report) are professional statisticians." Four months later, California Environmental Protection Agency Secretary Linda Adams told Young – in a letter drafted by Tran – that the study team was qualified, citing Tran's UC Davis doctorate.

Shortly thereafter, just one day before CARB was to act on the truck rules, board officials learned of the false doctorate after a University of California professor who's critical of the rules told them that Tran lacked the degree, but only a few board members were informed. Although reports of Tran's deception circulated for months, including a couple of brief media mentions, it wasn't until recently that CARB officials publicly acknowledged it.

As Telles says, the apparent cover-up casts a pall over the legitimacy of a very important – and very costly – state policy.

[Bakersfield Californian, Commentary, Wednesday, Dec. 2, 2009:](#)

## **Arrogance pollutes air board**

By Lois Henry, Californian Columnist

As much as the California Air Resources Board would like to ignore this pesky little issue of a researcher lying about his credentials and using questionable methodology to pop out a report so the board could justify its draconian new diesel restrictions, I'm not lettin' it go.

Particularly after looking at documents one board member gathered to find out just how many CARB board members knew about the fraud prior to voting on the rule, which could cripple California's trucking industry.

The arrogance is breathtaking.

"Basically, I was guilty of thinking that since I 'knew' the underlying truth of the information we should not allow this stupid personnel problem to derail a critical rulemaking," wrote CARB Chair Mary Nichols in an email to board member John Telles about what she knew of the researcher's deception and when.

Errrk! Stop right there.

Since Nichols "knows" the truth of how pollutants affect health (the crux of the report by researcher Hien Tran), why'd we need a report at all? For that matter, why does CARB even need a research division? Or, following her logic on down the rabbit hole, why even have a voting board? Just crown Nichols "air queen" and be done with it.

But her email goes on.

"While the relentless criticism has been a distraction, frankly I think it is manageable."

She calls Tran's indiscretion "a very annoying distraction" even as she admits his actions were "both illegal and unethical."

Still she defends his report as solid and says, "At the time, I thought that Tran's voluntary demotion and removal from the project would be sufficient to insulate the rest of the ARB until we could proceed to disciplinary action and obtain a new review of the mortality report."

Oh, my. I suppose she's never heard the old saying about how when you're in a hole the first thing you should do is STOP DIGGING.

It's not just Nichols, though. Arrogance permeates CARB's ranks.

In a series of emails Telles gathered about the investigation into Tran's credentials, there's this gem from Bart Croes, CARB's Research Division Chief -- and Tran's boss:

"Hi Hien -- Sorry that you have to go through this, and it shouldn't matter to Enstrom whether or not you have a PhD, but I'd like to respond to John Balmes."

Yeah, cause a citizen shouldn't ask bothersome questions of the people we're paying. Tsk! Tsk!

Enstrom, by the way, is James Enstrom, a UCLA epidemiologist who was alerted to Tran's lack of credentials by a statistician from North Carolina, Stan Young, who'd first asked about it in July 2008 and was given the brush-off. Balmes is another CARB board member who was alerted to the problem by Enstrom in December 2008 before the board voted on the rule. Both he and Nichols chose to withhold the Tran information from the full board.

Speaking of Balmes, he, like Nichols, also said he knew enough to cast his vote for the truck rule regardless of Tran's report.

"I based my original vote for the truck rule on what I know of the science, not on Tran's report," he told me in an email. "Therefore, I do not see the need to suspend the rule based on Tran's misrepresentation."

So was this report just some feel-good farce to lull the public into thinking we have a voice in our own governance? (Gosh, that would be so cynical.)

Balmes did allow that Tran's misrepresentation casts doubt on CARB's credibility overall and the report should be redone by an independent body.

At least we agree on that.

After reading both the draft and final reports, plus all the comments attached to both and the studies listed in the report, I also disagree that it was a mere compilation of available science, as Nichols, Balmes and others are now trying to color it.

Tran used some -- but not all -- studies available on how many people PM2.5 may kill each year. He dismissed studies that found little to no evidence of premature deaths. And he ignored parts of other studies showing elevated death rates in other parts of the country, but little to none in California.

That's just one of the judgment-based aspects of Tran's report that seemed to me -- a mere layperson -- biased toward a particular outcome.

Incidentally, Young began asking about Tran's credentials in July 2008 after reading the report. "The reasoning appeared too flawed to be done by a capable statistician," Young wrote to board member Telles.

Telles has been openly appalled not only by Tran's deception but by the lackadaisical attitude among CARB staffers toward the issue.

Though CARB's lawyer, Ellen Peter, has said the Dec. 2008 vote on the truck rule is legal, Telles has asked whether the board should take some kind of action to assure the public the rule has been properly vetted.

It was supposed to be on next week's agenda, but all I could find was a discussion item looking at the rule's economic impact.

"I have no idea what to do next if they ignore my request," Telles told me. "It's very frustrating."

### **Update: Air quality forecast and woodburning rules**

By Sun-Star Staff

Merced Sun-Star, late Tuesday, Dec. 1, 2009

#### MERCED

AQI Forecast for 12/1/2009: 80 Moderate (PM2.5)

AQI Forecast for 12/2/2009: 83 Moderate (PM2.5)

School Flag color for 12/2/2009: Yellow

Fireplace/Wood Stove Burning Status for 12/1/2009: Please burn cleanly

Fireplace/Wood Stove Burning Status for 12/2/2009: Wood burning prohibited

San Joaquin Valley Air Pollution Control District

Daily Air Quality Forecast

More information about the Daily Air Quality Forecast can be found at:  
<http://www.valleyair.org/aqinfo/forecast.htm>.

More information about the Fireplace/Wood Stove Burning Status can be found at:  
<http://www.valleyair.org/aqinfo/WoodBurnPage.htm>.

### **8,000 dirty trucks to be banned from SoCal port**

The Associated Press

In the SF Chronicle, Modesto Bee, Tri-Valley Herald and other papers, Tuesday, Dec. 2, 2009

LONG BEACH, Calif.—The Port of Long Beach says that by New Year's Day it will have banned about 8,000 high-polluting trucks from entering the facility as part of an effort to reduce air pollution.

Port officials said Tuesday that 5,600 trucks that were made before 1988 have been replaced by cleaner-burning models. About 2,400 more will soon be put into service when state rules banning 1993 and older trucks goes in effect.

The ports of Long Beach and Los Angeles initiated the "clean trucks" initiative in October 2008.

Officials say phasing out the older trucks will cut toxic emissions at the nation's busiest port complex by nearly 80 percent.

### **Long Beach port's truck pollution program ahead of schedule**

Daily News Wire Services

L.A. Daily News, Tuesday, Dec. 2, 2009

LONG BEACH - By New Year's Day, about 8,000 high-polluting trucks will have been banned from Long Beach shipping terminals as part of a phase-out and replacement effort that is two years ahead of schedule, port officials said Tuesday.

About 5,600 big rigs have already been replaced by cleaner-burning, modern diesel-powered trucks and 2,400 more are on order, according to the port.

"Little more than a year ago, the ports looked like a graveyard where dirty old trucks came to die," said Nick Sramek, president of the Board of Harbor Commissioners.

"By Jan. 1, the program will have achieved 80 percent reduction in trucking air pollution -- two years ahead of schedule."

Freight carriers calling on the port are required to have radio frequency identification tags, which enable the port to control which trucks are let into terminals. Some truckers unable to meet the Jan. 1 deadline will be given a four-month extension, but only if they have new, qualifying trucks on order through a port- or state-sponsored program, according to port spokesman Art Wong.

## **California honors firms that cut their landfill waste**

By Jim Downing

Sacramento Bee, Tuesday, Dec. 1, 2009

The California Integrated Waste Management Board on Monday honored more than 250 businesses and nonprofit organizations for efforts to reduce the amount of waste sent to landfills.

The 38 Sacramento-region winners in the state's Waste Reduction Awards Program ranged from tech giants Hewlett-Packard Co., Intel Corp. and NEC Electronics America Inc. to small businesses like Roseville print shop Master Color.

Hewlett-Packard's Roseville campus now diverts 91 percent of its waste material, from recycling cardboard and paper products to reusing bubble wrap. NEC's manufacturing plant, also in Roseville, last year diverted 82 percent of its solid waste, raising \$430,625 in recycling revenue for the company.

Driven by aggressive state mandates, recycling has become a major industry in California. The sector employs 85,000 and produces \$10 billion in goods and services annually, according to the waste board.

At Master Color in Roseville, company president Brian Trombley said paper reuse and recycling and other environment-friendly practices have been integral to his company's operations since its founding 15 years ago. Some steps – such as using soy-based inks and [avoiding smog-causing solvents](#) – cost more than less-green alternatives, but Trombley says they're worth it.

"It's doing the right thing for me, you and my employees, he said.

To make the list of recycling honorees, a company must demonstrate an annual improvement in its waste-reduction practices, according to Beatriz Sandoval, a spokeswoman for the Integrated Waste Management Board.

The agency has been publishing the list since 1993. Because of the breadth of industries represented, there are no set standards for qualifying, Sandoval said. Nearly every company submitting documentation to the agency wins an award.

## **Plan to make L.A. 'plug-in ready' laid out**

By Kevin Modesti, Staff Writer

L.A. Daily News, Tuesday, Dec. 2, 2009

Mayor Antonio Villaraigosa announced a plan Tuesday to pave the way for a rush of new electric cars in 2010-11 by expanding Southern California's network of charging stations and offering incentives to drivers of the environment-friendly vehicles.

Under the agreement among government and private entities, the region's 400 existing electric-vehicle charging stations would be upgraded, and 100 would be added within a year after the adoption of new federal charging standards, expected to be issued in mid-2010.

Incentives would include subsidies as high as \$2,000 for the installation of charging stations at owners' homes, lower rates for charging in off-peak hours, free or preferred parking, and access to high-occupancy-vehicle lanes.

Villaraigosa said the plan highlights Southern California's effort to turn the car capital of the world into "the electric-vehicle capital of the world."

"As we continue to see our climate change, and the impact it has on our daily lives, it's critical the Los Angeles region grasp this opportunity, shift the paradigm, improve air quality, reduce greenhouse gas emissions, reduce our reliance on imported oil and create new jobs and new economic development," Villaraigosa said.

The announcement came at an afternoon news conference outside the Los Angeles Convention Center, where auto industry leaders and observers are gathering for the Los Angeles Auto Show's opening on Friday.

The plan to make the area "plug-in ready" involves collaboration among the cities of Los Angeles, Burbank, Pasadena, Santa Monica and Santa Ana, state agencies, utilities and automakers.

A key goal, leaders said, is to provide enough convenient charging stations to allow electric-vehicle drivers to travel "seamlessly" across Southern California.

Though he acknowledged the price tag could be high, including about \$10 million for the \$2,000 incentive program, Villaraigosa argued there's a higher "public-health cost" in the area having "the dirtiest air in America."

Villaraigosa trumpeted the plan as the broadest yet by an American metropolitan area to encourage the use of electric vehicles, coinciding with the scheduled late-2010 launches of new models from Chevrolet, Ford, Nissan, Toyota and other carmakers in response to federal fuel-mileage mandates.

Fuel-efficient, low-emissions vehicles will be featured among the 900 automobiles on display at the 10-day annual show.

Gov. Arnold Schwarzenegger applauded the effort, known officially as the Southern California Regional Plug-in Electric Vehicle Collaboration.

"This agreement will increase the number of electric vehicles on the road, which means less pollution, a decreased reliance on costly oil, and new jobs - which is exactly what California needs right now," Schwarzenegger said in a statement.

Villaraigosa was joined in the news conference by City Council president Eric Garcetti and Councilwoman Jan Perry, chairwoman of the City Council's Energy and Environment Committee and a board member of the South Coast Air Quality Management District. Both drive electric vehicles.

Garcetti said he began driving an electric car, the General Motors EV1, in 1998.

"It was an amazing car - it felt great, it looked good," said Garcetti, who now drives a different electric car. "I had to put in this weird little charger at my house. People said, 'That's kind of a novelty thing, isn't it? You're an environmentalist, you want to do this to feel good, to look good. But you can't really use this in your daily life.'

"Well, 11 years later, I've lived a very happy life, drive around the city doing everything a council member and a resident of Los Angeles needs to do, driving an electric vehicle.

"For me, it shows we can do this."

## **Bay Area pollution district eyes first guidelines for reducing global warming gases from local developments**

By Denis Cuff

Contra Costa Times & Tri-Valley Herald, Tuesday, Dec. 2, 2009

California developers seeking city or county building approval have to look at how their projects affect traffic, schools, water, smog and wildlife. They may have to add a new concern: global warming.

The Bay Area's air pollution district is proposing the nation's first-ever guidelines for when projects would produce enough global warming gases to warrant an environmental review of ways to reduce them.

Pollution agency administrators call their plan a bold step to guide local governments in reducing greenhouse gas emissions from new housing subdivisions, office buildings, schools, baseball parks, movie theaters and other developments. Projects typically lead to more energy and vehicle use, producing more carbon dioxide and other global warming gases.

"We want to make sure development minimizes its impact on greenhouse gases," said Harry Hilken, director of planning for the nine-county Bay Area Air Quality Management District. "The state has passed legislation with goals to reduce these emissions in several sectors, but there has been a big void about how to get new development to contribute its fair share."

Developers could lower their carbon footprints by locating homes near train stations, bus stops and work centers, providing shuttles from job sites to BART stations, and designing buildings to exceed energy-efficiency standards for lighting and heating.

Measures to slash trash generation would help, too, because rotting garbage generates methane, also a global warming gas.

The plan is coming under fire from developers and planners in Oakland, Berkeley, San Francisco, Livermore and Alameda County.

They say that expensive pollution reduction studies could inhibit environmentally sound housing projects that minimize traffic emissions by locating near transit centers, shops, and downtowns.

"The guidelines would not promote regional smart growth, which is fundamental to achieving greenhouse gas reduction goals" in land use and transportation, Dan Marks, Berkeley planning director, wrote in an Oct. 26 letter to the air district. "While we applaud the district's efforts to be a leader on the issue, we believe that the draft guidelines are fundamentally flawed."

While the guidelines would be advisory, cities and counties that ignored them would risk lawsuits from development opponents, who could argue that local agencies were ignoring environmental impacts.

Air district officials deny that their proposal will slow or kill environmentally sound projects.

In response to the sharp criticism, air district administrators recommend that the agency's 22-member board postpone until January a vote on the plan that had been scheduled for today. A public hearing will go ahead as planned at 9:45 a.m. today at the district's headquarters in San Francisco.

Under the guidelines, projects generating 1,100 metric tons a year of global warming gases — roughly equivalent to that from a 55-home subdivision — would have significant enough impacts to require an environmental review.

Projects would have two alternative means of meeting the guidelines.

Developments would have no significant impact if they generated no more than 4.6 metric tons per year of emissions per each subdivision resident or each employee at a business.

Developments also would be exempt from costly environmental studies if they complied with energy and transportation efficiency measures in a climate action plan adopted by the city or county government. Berkeley has adopted a climate action plan, and many other cities and counties are planning to do so.

Hilken said climate action plans are a more comprehensive way of fighting global warming because they map out strategies for an entire city or county — not one development at a time.

However, not all cities can afford to develop climate plans, said Paul Campos, attorney for the Building Industry Association of Northern California. "It's a cop out for a regional agency to tell cities they should adopt their own global warming plans," he said.

Matt Vespa, attorney with the Center for Biological Diversity, praised the air district. "The air district has taken a reasonable approach to a very serious problem, and the building industry is trying to stall."

## **Australia's carbon-trading legislation fails**

By Rohan Sullivan, Associated Press Writer

In the NY Times, Contra Costa Times, Tri-Valley Herald and other papers, Tuesday, Dec. 2, 2009

SYDNEY—Australia's Senate on Wednesday defeated the government's plan to implement a carbon pollution trading system to fight global warming, dashing hopes of setting an example for other nations at U.N. climate change talks next week.

The scuttled proposal would have placed Australia alongside the European Union and a handful of other places that have or are considering "cap-and-trade" systems to cut greenhouse gas emissions, and tarnished Prime Minister Kevin Rudd's international reputation as a leader on the issue.

Instead, Rudd, a man who basked in a burst of applause from delegates at a U.N. conference two years ago for ending Australia's holdout status on the Kyoto Protocol, will attend the next one—in Copenhagen starting Monday—with a big setback on his hands.

The defeat does not have a direct bearing on the meetings in the Danish capital. But as a wealthy country with among the world's highest greenhouse pollution rates per person, Australia was being looked to for signs of how committed developed nations are to cutting emissions.

"It's not like the talks will stall because of the lack of an Australian emissions trading scheme," said Frank Jotzo, an Australian National University expert on international climate change negotiations. "But if the legislation had been passed, that would have sent a very positive signal internationally and, in particular, to developing countries."

The Senate, where Rudd's center-left government does not have a majority, voted 41-33 against a bill to install a system that would limit the amount of heat-trapping gases companies can pump into the air, and create pollution permits that could be bought and sold. The aim: Incentives for companies to lower emissions because they could sell excess permits for profit.

Wednesday's vote followed a tumultuous two-week debate, during which the main opposition party, the conservative Liberals, at first agreed to support a version of the government's bill, then on Tuesday dramatically dumped its leader and switched sides after bitter divisions erupted within the party.

"Today the climate change extremists and deniers in the Liberal party have stopped this nation from taking decisive action on climate change," acting Prime Minister Julia Gillard told reporters in the capital, Canberra.

Rudd was on his way home from a White House visit at the time of the vote, and did not immediately comment. Before he met President Barack Obama, Rudd said he expected their talks would focus on efforts to get a "robust Copenhagen agreement." He did not elaborate after the meeting.

About 100 world leaders will gather in Copenhagen during the 12-day conference to try to hammer out a framework to replace the Kyoto Protocol, which sets targets for industrialized countries to reduce carbon dioxide and other gases blamed for warming the atmosphere. That treaty expires in 2012.

Scientists warn of potentially catastrophic climate change if average global temperatures rise more than 3.6 Fahrenheit (2 degrees Celsius) from preindustrial levels. To prevent that, greenhouse gas emissions should peak within the next few years and then rapidly decline by mid-century, they say.

In Tokyo, Japan's Environment Minister Sakihito Ozawa said Wednesday that recent emission reduction targets announced by the U.S. and China, the two biggest polluters, would add momentum to the negotiations because, "any framework that the U.S. and China won't join is meaningless."

Speaking at the Foreign Correspondents' Club of Japan, Ozawa also said Japan's Cabinet is discussing a proposal to impose a "green tax" on fossil fuels to combat global warming, but he did not give details.

In Canberra, the conservatives' new leader, Tony Abbott, said Australia should not adopt an emissions trading system before the rest of the world.

"The right time, if ever, to have an ETS is if and when it becomes part of the international trading system and that is not going to happen prior to its adoption in America," he told reporters.

Because the bill's defeat reflects a deadlock between Australia's two chambers of parliament, the constitution allows Rudd to call general elections on the issue at any time from Wednesday. But he has

consistently said he does not want early elections, and opinion polls suggest his government is under no threat if it waits until later in the year when elections are due.

Gillard said the government would reintroduce the bill to Parliament in February to give the opposition one more chance to change its mind—signaling no elections would come before then at the earliest.

Australia is a small greenhouse gas polluter in global terms, but one of the worst per capita because it relies heavily for its electricity on its abundant reserves of coal. As the driest continent after Antarctica, it is also considered one of the most vulnerable countries to climate change.

The European Union has a carbon trading system, as do some U.S. states. Canada and New Zealand are among countries considering or in the process of implementing them. A Democratic cap-and-trade bill is before a committee in the U.S. Senate.