



California Dump Truck Owners Association

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January 27, 2010

Richard F. Celeste, Chair
Daniel Greenbaum, President
The Health Effects Institute
101 Federal Street, Suite 500
Boston, MA 02110-1817
dgreenbaum@healtheffects.org

VIA REGULAR MAIL AND EMAIL

RE: Request for Underlying Data Used in Two HEI Reports:

- 1) Research Report Number 140: Extended Follow-Up and Spatial Analysis of the American Cancer Society Study Linking Particulate Air Pollution and Mortality (May 2009)**
- 2) Special Report: Reanalysis of the Harvard Six Cities Study and the American Cancer Society Study of Particulate Air Pollution and Mortality (July 2000)**

Dear Mr. Celeste and Mr. Greenbaum:

On behalf of the California Dump Truck Owners Association (CDTOA), I am requesting access to all underlying data utilized in the two Health Effects Institute (HEI) reports cited above, pursuant to HEI's "Policy on the Provision of Access to Data Underlying HEI-funded Studies" (Appendix D).

Our Association represents 1,000 members of the construction trucking industry who are being directly impacted by the California Air Resources Board (CARB) Statewide On-road Truck and Bus Regulation ("Truck Rule"). On December 9, 2009 CARB members 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 (PM_{2.5}), contributes to 3,500 annual premature deaths in California. This finding is the primary scientific justification for the Truck Rule that was approved by the CARB on December 12, 2008.

As you can imagine, this act of scientific fraud has only further inflamed the disagreement among the scientific community regarding the relationship between PM_{2.5} and premature deaths. It is

our understanding that evidence from six independent sources indicates that there is no current relationship between PM2.5 and premature deaths in California.

The two HEI reports identified above play a predominant role in this debate, and it is our belief that clarification of the California-specific evidence from these sources would definitively resolve this issue. Therefore, I am requesting the underlying data used in those two reports. As you are well aware, the open and free exchange of data is an essential part of the scientific process. This data would be utilized for an independent and transparent analysis and interpretation of the California-specific results. This request is consistent with the HEI policy to facilitate the open exchange of data. Specifically, the policy reads, in pertinent part:

“The open and free exchange of data is also an essential part of the scientific process. Therefore, it is the policy of the Health Effects Institute to provide access expeditiously to data for studies that it has funded and to provide that data in a manner that facilitates review and validation of the work but also protects the confidentiality of any subjects who may have participated in the study and respects the intellectual interests of the investigator in the work.”

It is certainly worthy to note that the Truck Rule is the most expensive regulation ever approved by CARB. By the agency’s own admission it will cost the industry \$5 billion. Our industry estimates, based on our real-world experience in purchasing new trucks, that the cost could be 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.

Thank you very much for your consideration regarding this important request. Please contact me at your earliest convenience to confirm receipt of this request. Also please let me know if you need additional information to comply with this request or have any follow-up questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee Brown". The signature is written in dark ink and is positioned above the typed name.

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

Of interest signatories,



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



Bill Davis, Executive Vice President
Southern California Contractors Association

CC: Board of Directors, Health Effects Institute
Mark Utell, Chair, Health Research Committee, Health Effects Institute
Board Members, California Air Resources Board
James Goldstene, Executive Officer, California Air Resources Board
Daniel Krewski, Lead Author of Requested HEI Reports
Michael L. Jerrett, University of California, Berkeley
C. Arden Pope, III, Brigham Young University