



California Dump Truck Owners Association

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August 10, 2010

Chancellor Gene D. Block
Executive Vice Chancellor and Provost Scott Waugh
University of California
2147 Murphy Hall
Los Angeles, CA 90095-1405

Dear Chancellor Block and Provost Waugh:

The undersigned association directors, company owners and interested parties write to protest the actions taken by UCLA to terminate Dr. James Enstrom as a member of the UCLA research faculty after more than 35 years of exemplary work. We believe that the actions are being taken in retaliation for Dr. Enstrom's efforts to expose scientific and professional misconduct by UCLA Faculty members, including Dr. John Froines and Mary Nichols. Both brought on criticism of UCLA because of their misuse of their faculty status and participation in conduct that was unethical while serving the State of California (their appointments due in part to their status as UCLA faculty members). Their conduct involved the cover-up of violations of state statutes by the California Air Resources Board (CARB) in its management of a key author of at least two key CARB scientific reports. It is now a fact that CARB head researcher, Hien T. Tran fraudulently represented that he had a PhD. We know that Dr. Froines and Mrs. Nichols knew of Dr. Enstrom's participation in efforts by citizens groups to uncover the scandals, and the timing of these actions to lay off Dr. Enstrom by UCLA is no coincidence. Mr. Skip Brown alerted UCLA administrators of these faculty members unethical actions in 2009, to no avail (see attached Delta letter of November 13, 2009).

In addition, Dr. Enstrom's extensive studies showing no death effects of diesel PM2.5 (specific to Californians) refute the stated positions of other professors at the UCLA Department of Environmental Health Sciences (EHS), namely Drs. Jackson and Winer along with SPH Dean Linda Rosenstock (<http://www.arb.ca.gov/lists/truckbus08/426-public-health-letter--truck-and-bus-rule-dec-2008.pdf>). UCLA is now involved in retaliation against a long-term, honorable member of the faculty in order to protect, cover up or intimidate (or all three).

The first reason given for Dr. Enstrom's dismissal was insufficient funding to continue his employment. Enstrom's request for UCLA to provide a proper accounting of his funding (February 9, 2010) was responded to (on February 10, 2010) with a formal layoff notice effective April 21, 2010. On February 12, 2010, Dr. Jackson promised a detailed explanation of potential accounting irregularities. Evidently there were some "accounting errors" made by the Department, because a re-analysis showed that there was approximately \$45,000 of research funding and over 3,000 hours of unused vacation and sick leave, which would allow full funding for Enstrom through December 11, 2011. According to Enstrom's letter to Dean Rosenstock on June 15, 2010, Drs. Jackson and Godwin promised to "help facilitate the use of my remaining funding to pay my salary from February 2010 through June 2010, **particularly if I did not contest the validity of the two layoff notices**".

The details of any negotiations to save Dr. Enstrom's position, such as trading vacation time and funding, are not as important as the continued effort of UCLA faculty members to vilify and remove Dr. Enstrom because his research contradicted senior UCLA faculty members' stated positions. We would suggest that UCLA's conduct in the negotiations is poisoned by the underlying motivations for attempting to end Dr. Enstrom's career as a member of the faculty on vindictive grounds. We are not sure how you would read the statement, "Particularly if I did not contest the validity of the two layoff notices," but the words *blackmail* (money to quiet the informer), *bribery* (something given to induce) and *coercion* (the unlawful act of compelling a person to do, or to abstain from doing, something by depriving him of the exercise of his free will, particularly by use or threat) all come to mind.

Would UCLA argue they are now advocates of agency overreach, or that they serve the public at large as a source of serious and reliable inquiry on matters of public health and welfare? Is the action taken by UCLA intended to intimidate any faculty member who might be critical of UCLA's role in propping up the CARB or CA EPA regulatory regime, based upon nationwide scientific studies that do not apply to California?

Now UCLA EHS department heads claim that Dr. Enstrom performs research "not aligned with the academic mission of the Department, and [his] research output and other contributions do not meet the Department requirements" (June 30, 2010 letter from Dr. Godwin). Dr. Enstrom responded to this claim on July 14, 2010 with a four-page document that specifically and categorically refutes these statements, at least according to his understanding of the Department's mission and his contribution efforts, both on and off campus utilizing symposiums and public forums. Even a cursory reading of this document sufficiently refutes the UCLA claim as stated by Dr. Godwin.

This "non re-appointment" is not because of research not aligned with the UCLA EHS departments' mission, but because Dr. Enstrom has actively tried to refute the continued efforts by UCLA faculty to pursue and support research **misrepresentations and overreaching** that will harm the California economy. Dr. Enstrom has indeed become a whistle blower in the best traditions – exposing UCLA and University of California faculty misconduct – and he has been instrumental in supporting an effort to stop the excessive regulatory zeal of the CARB and its parent organizations, the California and Federal EPA.

Nevertheless, while acknowledging Dr. Enstrom's letter, the new position had not changed, noting that "any unexpended funds will not be available for your use after August 30, 2010" (UCLA Letter of July 29, 2010). We must assume that this is the penalty exacted upon Dr. Enstrom for not accepting the first offer to "facilitate the use of my remaining funding to pay my salary." Dr. Godwin did not respond to even one of the statements Dr. Enstrom made in his denial of the validity of Dr. Godwin's reasons for dismissal. No dispute. No further support of UCLA's position. No rationale offered justifying the arbitrary decision.

This conduct by professionals who should be respectful in dealing with a faculty member with more than 30 years of distinguished service indicates that malignant motives are in play – the kind of spiteful motives that sometimes are on display in academia when personal enmity interferes with professional ethics and courtesy.

Mr. Skip Brown, one of the undersigned, attempted to contact Dr. Rosenstock on August 4, 2010, leaving a message with her (apparent) receptionist, Rebecca, requesting a conference. To this date, she has not responded. He also contacted Dr. Godwin on August 6, 2010, and, after identifying himself and his request for information as to what is the "mission of the Department," she stated she could not discuss these personnel matters with anyone else but Dr. Enstrom and promptly hung up. Mr. Brown did not intend to discuss "personnel matters," but Dr. Godwin's abrupt hang-up precluded him from clarifying the request as to only find out the mysterious "mission of the Department" that Dr. Enstrom was accused of not being aligned with.

If Dr. Enstrom's efforts over the last several years are not spot-on with the UCLA SPH website statement: "The Department of Environmental Health Sciences explores the fundamental relationship between human health and the environment," then we would like someone to explain where he has been going wrong for the last six years (at a minimum).

It is important you understand that the industries that utilize and own diesel powered equipment and trucks that we represent, are made up of somewhat "simple folk." We tend to call a spade a spade and treat issues such as these directly. After all, we deal in the real world of contractual obligations with firm performance requirements and deadlines. We read these letters and attempt to come to a conclusion from them as to the proper disposition of the Dr. Enstrom matter. We have already stated our opinion of Dr. Enstrom and his efforts for true and factual science in the matter of health effects from diesel particulate matter (see CDTOA Letter, June 23, 2010). Make no mistake, the cost to implement the onerous California Air Resources Board (CARB) regulations emanating from UCLA sanctioned studies are immense, and too many will ultimately be overwhelming.

We received a response to our letter from Dr. Rosenstock dated June 30, 2010 stating that "all policies and procedures are being followed in this matter, and we hope to come to a satisfactory resolution shortly." Well, if this is how you follow "all policies and procedures," the days of the "free expression of ideas and discussion" are now officially ended in the UCLA Campus. Dr. Enstrom is the subject of this "systemic suppression of academic freedoms" and, frankly, this is nothing less than character assassination by UCLA. Why? Because he disagrees with the very professors who hold sway over his position. Additionally, he has gone public with this disagreement. These professors have stated that diesel PM2.5 is minimally causing thousands of premature deaths if not killing thousands of Californians every year (apparently according to nationwide studies). These numbers that are continually parroted by CARB and EPA are as vague and irresponsible as the SPH Department's response to Dr. Enstrom for his layoff. His extensive study (of California residents only) shows no premature death from PM in California. His research is supported by several other scientists in this field, but not scientists from UCLA. Industry is rightfully demanding that the CARB review all studies before implementing regulations, based upon Dr. Enstrom's and others' research. At this time, mainly due to these "new" findings, CARB has forestalled implementation of the regulations, all mainly due to Dr. Enstrom's academic freedoms.

Because of his politically unpopular research results, Dr. Enstrom is on the "internal hit list" for removal. In the elite salons and faculty lounges at UCLA, it has been determined that he offends the "consensus" and his idea of free academic debate and inquiry are now too disruptive. UCLA would claim to be the protector of free academic inquiry, but this retaliation is clearly the product of a despicable intolerance and a cover-up of UCLA faculty misconduct already outlined above. Most importantly, this retaliation appears to be intended to protect the relationship of UCLA and the state agencies that provide so much grant funding and many appointments for UCLA and UC faculty. All these mutually beneficial arrangements might be disrupted by Dr. Enstrom, which could mean that his insistence on reasonable academic inquiry and sound research really is, as stated above by his department heads, "not in line with the academic mission of the department." **If the mission of UCLA is to be the "bought-and-paid-for research institution" for whatever the CA EPA or the CARB has on their "needs" list is shameful. Ultimately, UCLA and the UC system in general will be held primarily responsible for the incompetent and "fixed" research and reports behind CARB and EPA's draconian regulations associated with PM2.5.**

We may be members of the benighted class of taxpayers and not privy to the murmuring of UCLA faculty members and administration, but we know that scientific questions are not decided by concurrence, compromise, conformance, concession or consensus. We also know that Albert Einstein and other legitimate and honest scientists insist on free inquiry. They also recognize that one good experiment or

study can disprove even the most iconic of the “consensus” positions of the elites at UCLA or anywhere else. And Dr. Enstrom is not one to twist the science to get along with or to curry favor with CA EPA and CARB, or pander to their political ambitions by puffing up bad studies to justify funding received and regulatory overreach.

Dr. Enstrom followed the data, and he also followed the rules of proof of toxicity that are well established and widely ignored by UCLA faculty and others wedded to the hyper-regulation policy making of anxious environmentalists and their political allies. Dr. Enstrom started out a physicist and knows that science should be skeptical and attached to accuracy in the best traditions of empiricism, not skills for agencies with money and power.

The regulations passed by CARB are to be implemented supposedly based on true and accurate science IN CALIFORNIA, but research by Dr. Enstrom and others outside of UCLA clearly does not support such regulations. UCLA is now the sponsor of deceptive, unreliable research, and it appears to support not only scientific but also professional misconduct. Now it proposes to cover it all up or make it go away by discrediting a member of the faculty who exposed the systemic misconduct and the poorly crafted research. It appears that the ruling class and the academic doyens have the world of science and academic inquiry upside down and beholding to political and financial influence, not the pursuit of reliable science.

The research supported by UCLA faculty members used by the CARB and CA EPA shows that there may be evidence of premature death causation from diesel PM in Pittsburgh (PA), and even that is subject to question because it is a small effect in an observational study, but that is a long way from California and ignores the evidence that there is no premature death problem in California at all. To apply nationwide studies to California population projections to justify California regulations cannot be supported, but has been proposed by CARB and CA EPA, following UCLA faculty counsel and advice. But then CARB and CA EPA want to regulate and UCLA wants to get research money, so that incest and misconduct has been exposed by Dr. Enstrom and retaliation is now in the air.

Taxpayers and citizens have an interest in retaliation directed at respected members of the UCLA faculty if that has an impact on matters of public import. Dr. Enstrom’s research and his assistance have aided members of the public in their efforts to insist that UCLA faculty members act in accordance with ethical and professional canons and mores. Dr. Enstrom’s conduct has been in the best traditions of academic inquiry, and the UCLA administration clearly by word, act and timing appears to be punishing a faculty member for his honest and forthright efforts to assist the public. Members of the public have an interest in holding UCLA to its mission and to academic ethics.

This matter is a public matter, since it has the smell of retaliation against Dr. Enstrom for exposing UCLA faculty for misconduct and revealing a serious and continuing problem of UCLA looking away from misconduct. CARB and CA EPA have provided UCLA and UC with tens of millions of grant research dollars over the years and these campuses have returned political correct conclusions, justifying onerous CARB regulations. These draconian Regulations command the destruction of personal property; the resulting actions will guarantee that California **will not** recover from its current financial debacle.

We ask you to rescind the dismissal of Dr. Enstrom, as we refuse to consider it a justifiable “non re-appointment.” Please be mindful that we are men of experience and we know retaliation when we see it. Dr. Enstrom is not a popular person at UCLA in the faculty lounges where the consensus rules, but many scientists have been scorned and vilified for holding a minority position that was eventually vindicated.

Dr. Enstrom’s receipt of notice of acceptance for the paper, “Criteria Pollutants and Mortality in the NIH-AARP Diet and Health Study Cohort,” by the Health Effects Institute (July 6, 2010) speaks favorably of his status and continued excellent scientific efforts and peer approval in his area of expertise, even if he has suffered from a great deal of intolerance at UCLA. His continued position at UCLA will allow him to complete this important work.

The undersigned individuals are representative of many trade associations and several thousand California business owners who want this matter promptly and fairly resolved in favor of one UCLA faculty member they consider to be an ally in the effort to demand fair treatment by California agencies in these harsh economic times.

Thank you very much for your consideration.

Sincerely yours,



Lee Brown, Executive Director
CA Dump Truck Owners Assoc.



Skip Brown, President
Delta Construction Company, Inc.



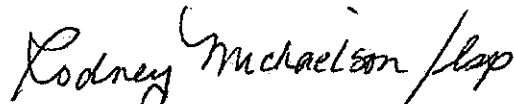
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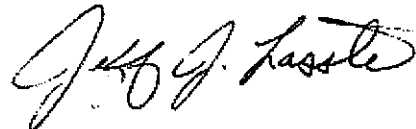
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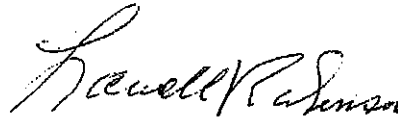
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