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Reports to review:

Commentary on the Proposed Rule Defining the Scope of Waters Federally Regulated Under the Clean Water Act

SAB Consideration of the Scientific and Technical Basis of EPA's Proposed Mercury and Air Toxics Standards Rule

SAB Consideration of the Scientific and Technical Basis of EPA's Proposed Rule Titled Strengthening Transparency in Regulatory Science

SAB Consideration of the Scientific and Technical Basis of the EPA's Proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule

The proposals embedded in the documents for consideration for the SAB today are, with the exception of the transparency rule, same old, same old—no one gets fired for bad conduct in the federal government.

The US EPA staff reports and position papers provide a look at the old regime of junk science **but the new SAB, cleansed of the crony, conflict of interest problem**, has an obligation to assess, analyze, expose and condemn the science that is promoted and funded by these hold over EPA Staffers, bad epidemiology to justify aggressive regulatory actions.

I am here today to ask that members of the SAB do their part to rub out the ghost of scientific and policy misconduct that goes back to the 1990s, the continued Browner legacy of junk epidemiology that included the purge of the Clean Air Scientific Advisory Committee that objected to her perfidy and promotion of junk science.

In 1995 in response to the important and groundbreaking Supreme Court Decision in *Daubert v. Merrill Dow* (1993) that laid out rules for proper judicial evaluation of scientific evidence, the Federal Judicial Center published the *Reference Manual on Scientific Evidence* that was republished as the 2nd edition in 2000 and then the 3rd edition in 2011. In each of those books for education of judges on admissibility of scientific evidence, the chapter on Epidemiology emphasized basic rules that cannot be denied and have been repeatedly, serially violated by the EPA staff and sponsored researchers for two decades and more. Research papers supporting EPA policy to be considered today are pregnant with the same junk epidemiology.

Not to belabor the detail in the *Reference Manual*, that can be read by the SAB members, the rules on proof of causation in epidemiology are repeated in all three editions as the Bradford

Hill Guidelines for Proof of Causation. I can say with emphasis that when the CASAC of the mid 90s protested the Browner EPA proposals they did it knowing the scientific rules, but the EPA staff and Browner discarded those rules in favor of the NOBLE LIE of Plato intended to mislead the public for political purposes.

As Mr. Milloy properly comments—how can a lie be good or noble if it is promoted to deceive and control the public?

Today, and going forward, the SAB has the opportunity to expose the lie, the lie of bad epidemiology based on the following violations of the Bradford Hill Rules on proof of causation:

- small associations with small Relative Risks in uncontrolled population studies (association is not causation)
- data dredging that is combined with multiple inquiry and manipulating temporal spatial data (slice and dice the data until it yields the right answer)
- harvesting noise and calling it proof by pointing to p values (P hacking)
- failure to properly assess and quantify exposures of the study population
- failure to connect claims of effect with plausible supportive biological evidence.

Members of the SAB are clearly qualified to read and understand these things, and you all know the Bradford Hill rules. In addition do not fall for the claim that a pile of bad papers is reliable evidence—do not fall for the siren song of “weight of evidence” junk science has been financed by the EPA for 3 decades and a pile of papers by scientific hoaxsters is not “proof of causation” at all.

You know, you know in your hearts if you know science, that EPA staffers and sponsored scientists were involved in FRAUD, INTENTIONAL FRAUD, MISCONDUCT IN PUBLIC SERVICE AND IN VIOLATION OF THE LAW.

You have a moral obligation, a professional obligation to right the wrong—to make the science on human health effects that is critical to a proper administration of the Environmental Statutes. The Statutes are intended to promote regulatory actions to make the environment safe—everything hinges on determination of what is not safe and what is harmful that leads to actions to reduce risk.

In the past the EPA has intentionally deceived with regards to risk to justify aggressive and burdensome regulations such as those to be considered by the SAB in this session of deliberations. The SAB is charged with applying reliable science on the question of risk and reliable policy with regards to mitigation of risk.

Please reject the past and start over with proper respect for science and reasonable, effective policy making.

1. The fuel economy regs are a classic example of “do something” and that is not good policy making. Moreover, as Bastiat taught us, there are always unintended bad

consequences to well-intentioned but poorly conceived laws. A proper analysis by the SAB will reveal those bad unintended consequences and the reality of the faux “problem” claimed by the EPA.

2. The MATS rules is the product of the precautionary principle that ignores the fact that mercury is not a major ambient component, is not produced in any significant or important degree by coal fired energy plants, and, most important, there is no mercury risk in ambient levels. The historical mercury poisoning events were unique exposures in Japan and Iraq, for example and no basis for the scaremongering and aggressive regulations. Cheap talk and research about autism, for example, is just another example of the scaremonger project.
3. The aggressive expansive approach to WOTUS has no legitimate support and certainly is a major unreasonable invasion of property rights for no good purpose. Detection of contaminants in water is another well-developed EPA scare intended to enable major regulatory invasions of property rights with no evidence of benefit and should be rejected.
4. Elimination of cronyism and conflicts of interest are a no brainer, and the SAB has to stand for transparency of data and methods just as it would stand for the rules on proof of causation discussed above. That’s understood. Human research can be reported without violation of privacy—that’s a canard/excuse used by fraudsters who want to hide their data sets.

Those SAB members intent on defending the fraud and misconduct of EPA staff over the past 2 plus decades should resign and the remainder of the SAB should take action to promote discovery and disciplinary/legal action commensurate with the illegal acts—fraudulent science and public statements intended to deceive, collusive lawsuits intended to accomplish regulatory objectives by deceptive means, funding and promoting research that violates basic rules of scientific integrity. EPA staffer fraud and misconduct is actionable and easily identified—the SAB is an oversight committee and should do its duty—identify the fraud and misconduct and refer matters to appropriate law enforcement officials for disposition.

To ignore the perfidy of EPA staffers, sponsored researchers, officials dealing with policy, would ignore the charge of the SAB. Do the right thing.

Thanks for your attention and your public service.