

**August 25, 2010 Comments on the EPA CASAC Particulate Matter Review Panel Draft Letter on
Policy Assessment for the Review of Particulate Matter National Ambient Air Quality Standard—
Second External Review Draft (June 2010)**

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I'm an emergency physician and an attorney. I'm familiar with toxicology, epidemiology and the rules of evidence that are applicable in federal court.

15 years ago the CASAC chaired by Roger McClellan rejected the science proposed by the EPA because it was inadequate to support new air standards. And I ask that the CASAC consider its letter as an opportunity to do the same thing today for the same reasons.

I assert that properly informed federal judge using the rules for proof and observational population studies from the chapter on epidemiology by Leon Gordis and incidentally I assume Dr. Samet, that you're gonna write the chapters on the 3rd edition, and others in the federal judicial system reference manual on scientific evidence will ask the EPA representatives the dispositive question: Where do you show effects on human health with a relative risk of 2 or more? The rule that observational studies must show effects of 100% or more, a relative risk of 2 or more, cannot be broken for the convenience of EPA policy makers since their claim is that they are saving lives.

The small particle studies relied on by the EPA for many years are extremely primitive in their analysis of effect, limited to premature death effects and death certificate analysis and never reach adequate levels of effects proven to support EPA regulatory proposals. That would be a level of a relative risk of 2 or more. The CASAC should, in 2010, reject the science that the EPA says supports its new regulations, just as the CASAC did in the mid 1990's.

The results of all the studies are small premature death effects less than 20% when they show anything. Some studies like Enstrom's, show no death effects at all. And the current political and regulatory policy environment, entities like the CASAC are repeatedly and inappropriately asked to ignore science rules on proof of toxicity and approve and support new and more aggressive regulations that have negative economic effects with real detriments to the welfare of society and people. Effects of economic deprivation include shortened life and decreased quality of life. And observational population studies can easily be effect of data dredging and do not neutralize the confounders.

The CASAC must decide whether to insist on good science in the public interest, good proof of toxicity before regulations are instituted or the CASAC will be a part of the problem and they will approve EPA actions that are not justified because they are not supported by good science. Thank you for your attention.