



June 12, 2017

Chair Karl Longley  
Executive Officer Pamela Creedon  
Central Valley Regional Water Quality Control Board  
1020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

RE: Conflict of Interest on the Food Safety - Oil Field Wastewater Reuse Expert Panel

Dear Chair Longley and Executive Officer Creedon:

The undersigned organizations acknowledge that the Central Valley Regional Water Quality Control Board (CVRWQCB) created the "Food Safety – Oil Field Wastewater Reuse Expert Panel," in response to public engagement. We have a serious concern about the make-up of the Panel and preserving the integrity of the Panel's work.

In particular, our groups are raising concerns about the apparent conflicts of interest regarding two members of the Panel -- Mark Jones and Barbara Petersen. Given these panel members' present and past employment, we question whether they can provide an objective scientific review of the issues. We therefore request that these two panel members be removed immediately. We are also reiterating an earlier recommendation to establish a policy requiring that panel members publicly disclose their relevant financial and other conflicts of interests.

As background, in a June 8, 2016 letter to Chair Longley, some of our organizations raised conflict of interest concerns about Mark Jones, who at the time of the Panel's inception was a paid consultant at ERM, a firm that was retained by the oil and gas company California Resources Corporation (CRC) to

conduct a study on the same issues that the Food Safety Panel is exploring. At that time, we urged the CVRWQCB to follow the model of the California Council on Science and Technology's (CCST) SB 4 Independent Scientific Assessment of Well Stimulation in California, in which all panel members publicly disclosed their financial and other conflicts of interests.

CVRWQCB's response in July failed to address the broad issue of panel members disclosing their conflicts, and asserted that there was no conflict with Mr. Jones' appointment since by that time he was no longer employed by ERM. We question the notion that such a conflict can dissolve within such a short timeframe, and note that Jones was the Program Director for and signed off on the ERM report (Development of Risk-Based Comparison Levels in Chemicals in Agricultural Irrigation Water) which was submitted for consideration by the Food Safety Panel. It is a clear conflict to have Mr. Jones on a panel that is charged with evaluating the merits of evidence that he produced, regardless of where he is currently employed.

Dr. Petersen also has direct conflicts and should not serve on the Panel. These conflicts were not disclosed when Dr. Petersen joined the Panel, but only came to light at the 4/21/17 Food Safety Expert Panel meeting, through a short-written note at the very end of the Revised Project Charter (drafted by CVRWQCB staff). The note stated that Dr. Barbara Petersen's participation on the Panel has been funded by Chevron through the majority of 2016, and that she is now being paid to participate by CalFLOWS, an oil and gas and agribusiness industry trade group whose directors include representatives from Chevron, Aera Energy, and certain large agricultural firms. CalFLOWS openly states that its purpose is to defend and promote the reuse of produced water in agriculture, and the corporations behind the group have a clear financial interest in the outcome of the Panel's findings and recommendations. Dr. Petersen's associations with Chevron and CalFLOWS represent clear conflicts that make her unsuitable to serve on the Panel.

Furthermore, Dr. Petersen's employment with the consulting firm Exponent raises serious questions of industry bias. In her profile at Exponent, it states that her experience includes, "Chemical defense strategies for international (including issues regarding heavy metals in toys and other consumer products) and U.S. regulatory needs, Canadian defenses and California issues including proposition 65." By including candidates with a history of working for industry against government regulation, the CVRWQCB jeopardizes the scientific reliability and public credibility of this process.

It has also come to our attention that Exponent has a history of producing studies that appear to have predetermined outcomes in favor of their corporate clients. In one case, the company was accused of knowingly making misleading statements and deliberately altering a study design in favor of their client, an asbestos producer. Previously, Exponent (under their former name Failure Analysis Associates) supported the tobacco industry in the 1990s in denying the lung cancer risk of secondhand smoke. They have a reputation for sowing doubt over even the most extensively studied and highly toxic chemical compounds, such as dioxins, where they contributed to delaying the release of EPA's long-awaited reassessment on dioxins and furans. While Dr. Petersen has a resume that shows expertise in the subject matter at hand, it is inappropriate for representatives of consulting firms that work for corporations with strong financial interests in a particular outcome of the panel's deliberations to serve on the Panel.

RE: Conflict of Interest on the Food Safety - Oil Field Wastewater Reuse Expert Panel  
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Page 3

Again, given these panel members' present and past employment, we believe they cannot provide an objective scientific review of the issues. We therefore request that these two panel members be removed immediately.

We also reiterate an earlier recommendation to establish a policy requiring that panel members publicly disclose their relevant financial and other conflicts of interest. We look forward to a response about our concerns as soon as possible.

Sincerely,

Sue Chiang  
Pollution Prevention Director  
Center for Environmental Health

Nayamin Martinez  
Director  
Central California Environmental Justice Network

Bill Allayaud  
California Director of Government Affairs  
Environmental Working Group

Tom Frantz  
President  
Associated of Irrigated Residents

Keith Nakatani  
Oil & Gas Program Manager  
Clean Water Action

Joyce Bichler  
Deputy Director  
Breast Cancer Action

Paul Ferrazzi  
Executive Director  
Citizens Coalition for a Safe Community

Rebecca Spector  
West Coast Director  
Center for Food Safety

David Braun  
Director  
Rootskeeper

Brian Nowicki  
Policy Director  
Center for Biological Diversity

Damon Nagami  
Senior Attorney  
Natural Resources Defense Council

Kimberly Rivers  
Executive Director  
CFROG - Citizens For Responsible Oil and Gas

Ron Martin  
President  
Fresnans against Fracking

Jan Dietrick  
Director  
Dietrick Institute for Applied Insect Ecology