

Congress of the United States
Washington, DC 20515

December 2, 2009

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

We request that the Environmental Protection Agency (EPA) conduct a thorough and transparent investigation into the questions raised by the disclosure of emails from Climatic Research Unit of the University of East Anglia (CRU). Additionally, EPA should withdraw the Proposed Endangerment Finding, as well as the Light Duty Vehicle Rule, and the Greenhouse Gas Tailoring Rule until the Agency can demonstrate that the science underlying these regulatory decisions has not been compromised.

As you are aware, the scandal involves a number of climate change scientists and institutions that have played prominent roles in the development of the U.N.'s Intergovernmental Panel on Climate Change (IPCC) reports, most recently, the Fourth Assessment. EPA heavily relied on the IPCC's findings and conclusions in its development and justification for the controversial proposed Endangerment Finding.¹ Given the multiple regulatory efforts that hinge on the Endangerment Finding and consequently the integrity of the IPCC reports, it is imperative that EPA act swiftly and with transparency to analyze the numerous questions that have been raised by the disclosure of the emails.

A large volume of email messages and documents, sent by prominent American and British climate researchers, were recently released from the CRU. The content of the emails raises serious questions that demand your attention. The scientists involved are climate science experts whose work is integrated into the fabric of the IPCC and its reports. The CRU wields significant influence in climate change circles and works closely with the U.N.'s IPCC.² According to the British *Telegraph*, "Their importance cannot be overestimated."³ Professor Philip Jones, the CRU's director and the author of

¹ Proposed Endangerment and Cause and Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 18886, 18894 (proposed April, 24, 2009) (stating that, "the TSD therefore relies most heavily on the major assessment reports of both the Intergovernmental Panel on Climate Change (IPCC) and the U.S. Climate Change Science Program (CCSP). EPA took this approach rather than conducting a new assessment of the scientific literature. The IPCC and CCSP assessments base their findings on the large body of many individual, peer reviewed studies in the literature, and then the IPCC and CCSP assessments themselves go through a transparent peer-review process.").

² Andrew Revkin, *Hacked E-Mail Is New Fodder for Climate Dispute*, NY TIMES, Nov. 21, 2009; John Lott, *Why You Should Be Hot and Bothered About Climate Gate*, FOXNEWS.COM, Nov. 24, 2009; Declan McCullagh, *Congress May Probe Leaked Global Warming E-Mails*, CBSnews.com, Nov. 24, 2009.

³ Christopher Booker, *Climate Change: This is the Worst Scientific Scandal of our Generation*, THE TELEGRAPH, (Nov. 28, 2009).

some of the most controversial emails, is in charge of the two key sets of data used by the IPCC to draw up its reports.⁴ His global temperature record is the most important of the four sets of temperature data on which the IPCC and governments rely.⁵ Therefore, the questions raised by these emails regarding the ethics and integrity of these scientists go to the very core of the discipline and work relied upon by the EPA.

The *Wall Street Journal* reported that in the emails, “Scientists appear to urge each other to present a ‘unified’ view on the theory of man-made climate change while discussing the importance of the ‘common cause,’ to advise each other on how to smooth over data so as to not compromise the favored hypothesis; to discuss ways to keep opposing views out of leading journals; and to give tips on how to ‘hide the decline’ of temperature in certain inconvenient data.”⁶ According to the *New York Times*, the emails provoke three fundamental questions – whether “the correspondence reveals efforts by scientists to shield raw data, preventing it from being examined by independent researchers”; whether the documents “prove that the data underlying climate scientists’ conclusions about warming are murkier than the scientists have said”; and whether “the email messages indicate that climate scientists tried to prevent publication of papers written by climate skeptics.”⁷

The answers to each of these questions are of great importance. The suggestion that these scientists prevented the dissemination, peer review, and publication of dissenting views is particularly alarming. Since the IPCC only considers peer reviewed publications, any effort to control the peer review process is the equivalent of controlling the content of IPCC reports.

During your tenure, EPA has rapidly advanced several regulatory schemes to reduce domestic emissions of greenhouse gasses (GHGs). The key regulatory decision is the Proposed Endangerment Finding, which finds that Carbon Dioxide and other Greenhouse Gases endanger human health and welfare.⁸ In drafting the Technical Support Document, the scientific basis for the regulatory decision, EPA relied heavily on the findings and conclusions of the IPCC’s Fourth Assessment Report (“Fourth Assessment”).⁹ Given the multiple regulatory efforts that hinge on the Endangerment Finding, it is imperative that EPA act swiftly and with transparency to answer these questions.

In *Massachusetts v. EPA*, the Supreme Court made clear that the EPA has discretion in the timing of its issuance of any regulations.¹⁰ The D.C. Circuit has also

⁴ *Id.*

⁵ *Id.*

⁶ Editorial, *Global Warming With the Lid Off*, WALL ST. J, Nov. 24, 2009.

⁷ Andrew Revkin, *Hacked Email Data Prompts Calls for Changes in Climate Research*, NY Times (Nov. 28, 2009).

⁸ Robin Bravender, *EPA Sends Endangerment Finding to White House*, E & E NEWS, PM, November 9, 2009, available at <http://www.eenews.net/eenewspm/2009/11/09/archive/1?terms=endangerment>.

⁹ Proposed Endangerment Finding, *supra* note 1.

¹⁰ *Massachusetts v. EPA*, 549 U.S. 497, 533 (2007).

The Honorable Lisa Jackson

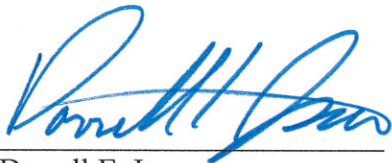
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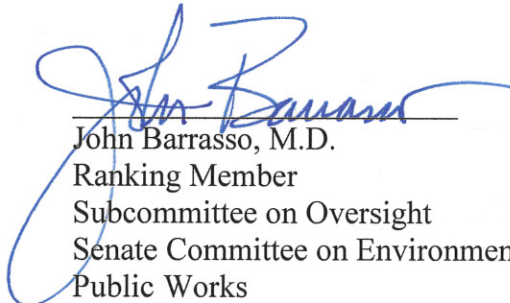
stated that nothing in the Supreme Court's decision "imposes a specific deadline by which EPA must determine whether a particular air pollutant poses a threat to public health or welfare."¹¹ Therefore, EPA should withdraw the Proposed Endangerment Finding, as well as the Light Duty Vehicle Rule, and the Greenhouse Gas Tailoring Rule until the agency can demonstrate the science underlying these regulatory decisions has not been compromised.

In addition to its own investigation, we respectfully request that your agency turn over all documents and records related to the communications or other interactions with Hadley CRU dating from March 2007 through December 1, 2009 to our respective Committees. If you have any questions regarding this request, please contact Kristina Moore, House Oversight and Government Reform Committee at 202-225-5074, Brian Clifford, Subcommittee on Oversight, Senate Environment and Public Works Committee at 202-224-6176, Bryan Zumwalt, Subcommittee on Clean Air and Nuclear Safety, Senate Environment and Public Works Committee at 202-224-4623; or Raj Bharwani with the Select Committee on Energy Independence and Global Warming at 202-225-0110.

Sincerely,



Darrell E. Issa
Ranking Member
House Oversight and Government
Reform Committee



John Barrasso, M.D.
Ranking Member
Subcommittee on Oversight
Senate Committee on Environment and
Public Works



F. James Sensenbrenner
Ranking Member
House Select Committee on Energy
Independence and Global Warming



David Vitter
Ranking Member
Clean Air and Nuclear Safety
Senate Committee on Environment and
Public Works

Cc: The Honorable Carol Browner
The Honorable John Holdren

¹¹ Massachusetts v. EPA, No. 03-1361, Order, Document No. 0121688432, at 2 (D.C. Circuit June 26, 2008).