

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

June 30, 2009

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

Dear Administrator Jackson:

On April 23rd 2009, you issued a Memo to all EPA employees focusing on transparency, which we believe is vitally important to achieving the Agency's mission. In this memo, you expressed your commitment to uphold the values of transparency and openness by "letting more sunlight into our Agency." You also stated that, "The success of our environmental efforts depends on earning and maintaining the trust of the public we serve." In addition, you wrote, "In all its programs, EPA will provide for the fullest possible public participation in decision-making," and that, "EPA [will] remain open and accessible to those representing all points of view, [and] EPA offices responsible for decisions [will] take affirmative steps to solicit the views of those who will be affected by these decisions."

Having clearly articulated your commitment to transparency, one would expect Agency officials to uphold your commitment through its actions. Over the last few days, however, we have learned that a senior EPA official suppressed a detailed, rigorous account of the most up-to-date science of climate change. This account, written by two agency employees, raises serious questions about the process behind, and the substance of, the Agency's proposed finding that greenhouse gases endanger public health and welfare.

In short, the authors raise an issue that is difficult to ignore or dismiss: the scientific data supporting the endangerment finding is out of date, is from non-EPA sources, and is inconsistent. As the authors wrote, "These inconsistencies are so important and sufficiently abstruse that in our view EPA needs to make an independent analysis of the science of global warming rather than adopting the conclusions of the IPCC and CCSP without much more careful and independent EPA staff review than is evidenced by the Draft TSP."

According to a series of emails obtained by a non-governmental organization, the director of EPA's National Center for Environmental Economics (NCEE) refused to consider the report, and rejected a request to forward the report to agency officials tasked with analyzing the science behind the endangerment finding. Moreover, the director specifically barred one of the authors from disseminating or discussing the report's findings.

We believe this and many other issues and complexities involved in the endangerment finding were either ignored or given short shrift in EPA's proposal. In our view, this lack of transparency seriously undermines the integrity of EPA's actions. Indeed, in reviewing the EPA's proposed rule, there are only three pages (out of 130) devoted to discussion of key uncertainties.

In the coming weeks, we will make a series of inquiries to ensure EPA's process governing the development of the endangerment finding is open and transparent—and that the Agency considers all view-points, and makes use of the best available, and most up-to-date, scientific data. We believe you share our commitment to transparency; therefore, we hope through your leadership that EPA will be an open, accessible, and science-based agency.

To assist us with our inquiries, please respond to the following questions:

Do you believe the process governing the development and review of the proposed endangerment finding reflects the Agency's, and this Administration's, commitments to transparency and scientific integrity, as outlined in your April 23rd and May 9th memos?

How can you ensure that the Agency's rulemakings will be based on the best available, and most up-to-date, scientific data? What process will you develop to make this happen?

The NAAQS review process requires a five year review to assess the latest scientific data on criteria pollutants. Would you consider implementing a similar process to review the scientific data supporting the endangerment finding?

In an effort to resolve uncertainties documented in the report mentioned above, will you commit to resolve the Proposed Endangerment Finding solely on the record of the scientific evidence, utilizing the procedures of APA sections 556-557?

Thank you for your consideration of this important matter. Please respond to these questions by July 10, 2009. If you have any questions or concerns, please speak to Tom Hassenboehler of the Environment and Public Works Committee Staff at (202) 224-6176.

Sincerely,



Senator James M. Inhofe
Ranking Member
Senate Committee on Environment and
Public Works



Senator John Barrasso
Ranking Member
Subcommittee on Oversight
Senate Committee on Environment and
Public Works