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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, MAJORITY STAFF DIRECTOR
RUTH VAN MARK, MINORITY STAFF DIRECTOR

October 4, 2011

The Honorable Barbara Boxer
Chairman
Senate Committee on Environment and Public Works
Washington, DC 20510

Dear Senator Boxer:

I respectfully request the Senate Committee on Environment and Public Works immediately convene a hearing in response to the EPA OIG report, "Procedural Review of EPA's Greenhouse Gases Endangerment Finding Data Quality Processes." This newly released report from the Environmental Protection Agency Office of the Inspector General provides a devastating critique of the process leading up to the Agency's decision to regulate greenhouse gases, calling the scientific integrity of EPA's decision-making process into question and undermining the credibility of the endangerment finding.

EPA's endangerment finding rests in large measure on the United Nations' Intergovernmental Panel on Climate Change's (IPCC) report and conclusions as based on Administrator Jackson's own testimony before this Committee. Yet, despite the fact that the IPCC's credibility has been repeatedly called into question, the IG report shows that EPA blindly accepted its conclusions without conducting an independent assessment. As EPA is preparing to enact policies that will cost trillions of dollars and millions of jobs, it is unconscionable that the Agency would short circuit its own peer review process and substitute the views of an international body in place of its own. Regardless of what one thinks of the IPCC science, the EPA IG found the EPA is still required by its own procedures to conduct an independent review before moving forward.

In 2009, Administrator Jackson committed the Agency to high standards of scientific integrity because, as she said, "The success of our environmental efforts depend on earning and maintaining the trust of the public we serve." This echoes President Obama's own statement: "The public must be able to trust the science and scientific process informing public policy decisions." The findings in the OIG's report stand in marked contrast to these assertions.

A clear example of EPA's duplicity is illustrated in a recent DC Circuit Court filing in which EPA points out that Administrator Jackson probed and weighed the science set forth in the record before exercising her own independent "judgment" in determining whether emissions of greenhouse gases from new motor vehicles "cause, or contribute to

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air pollution ... [are] reasonably anticipated to endanger public health or welfare.” Yet the OIG report shows us that behind the scenes the Administrator took a very different position. In response to the IG’s questions, “EPA maintained that it did not weigh or make any independent assessment of the key reports it invoked in the endangerment determination’s Technical Support Document.” EPA instead assured its IG that it merely took the third-party “assessment reports” off the shelf rather than making its own assessment.

This inconsistency delves into the heart of the matter. The Clean Air Act requires the Administrator to make her own judgment on the science, which she claims to have done in Court filings. Yet contradictory statements are made to the EPA’s IG. To ignore this duplicity and not hold oversight hearings is to accept the discrepancy and the poor state of EPA’s scientific process. EPA needs to explain to the American people why it blatantly circumvented its own procedures to make what appears to be a predetermined endangerment finding.

Sincerely,



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