United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

August 4, 2009

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

Dear Administrator Jackson:

Thank you for your response to our June 30th letter concerning openness and transparency in the scientific process at EPA. Specifically, we were inquiring as to an internal analysis on the current state of climate science by Dr. Alan Carlin, a 38-year EPA employee from the National Center for Environmental Economics.

Dr. Carlin's analysis provided a rigorous overview of important developments in the scientific literature on climate change—developments which emerged since the publication of the Intergovernmental Panel on Climate Change's (IPCC) Fourth Assessment Report in 2007 and a report by the U.S. Climate Change Science Program (CCSP) in 2008. As we learned several weeks ago, Dr. Carlin's account was excluded from the process by which the Agency considered science relevant to its proposed finding of endangerment for greenhouse gases under the Clean Air Act (CAA).

Rather than a thorough, critical analysis of climate change science and its relation to the question of endangerment, EPA has deferred its independent scientific judgment to that of the IPCC and CCSP. We believe that the law requires EPA to further evaluate the conclusions of the IPCC and the CCSP, and to perform an independent, scientific and technical analysis of its own to determine their validity in the context of this rulemaking.

For this reason, to follow on our June 30, 2009 letter, we are requesting additional information so we can understand the process EPA used to assess scientific findings related to the question of endangerment under the CAA. From our limited vantage point, EPA's process of determining endangerment appears to be marred by bias and, to some extent, political manipulation. We hope that the evidence proves otherwise.

To help us in this effort, please answer the following questions by August 21, 2009:

1. Please provide all EPA produced documents that address scientific information supporting or not supporting the key conclusions in the Technical Support Document (TSD) and endangerment findings. This should include discussions between EPA officials and experts in and out of the agency, reviews of any adverse comments or

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objections to the conclusions in the TSD and proposed endangerment finding as filed in response to the ANPRM, and EPA's literature surveys of scientists and organizations questioning or making conclusions contrary to the TSD.

2. Did the Agency follow the internal EPA peer review process for making scientific judgments about climate change science? If so, please provide information regarding the officials involved in the peer review process, and how the peer review process contributed to and provided support for the proposed endangerment finding.

3. Please provide any EPA developed documents which analyze the appropriateness of studies that rely solely on global climate models that do not meet EPA modeling guidelines (this includes any critiques of such models).

4. Please provide any EPA developed documents that address the impartiality of the IPCC and CCSP reports, and the appropriateness of using the IPCC and CCSP as the basis for EPA's conclusions about endangerment.

5. Do you believe that it is proper for EPA to rely solely or predominantly on documents produced by outside bodies that have not undergone an independent EPA review? Do you believe that such EPA review should include an evaluation of critiques of such non-EPA reports and an opportunity for the public to review the basis for EPA's acceptance or rejection of any scientific conclusions?

6. Please provide any EPA produced critical evaluations of the scientific literature on climate change and its effects.

7. You mentioned in your response to our June 30, 2009 letter that EPA will draw upon "scientific syntheses" to make judgments about climate change science. What "syntheses" are you referring to? Also, please explain how you formulated these "syntheses." With respect to the IPCC, did you rely on the IPCC's Summary for Policymakers in making an endangerment finding, and if so, please explain the process at the Agency for independently evaluating the science of the Summary for Policymakers? In your response, please produce any EPA documentation that the EPA has conducted such a vetting process?

8. The National Center for Environmental Economics (NCEE) serves an integral role as a source of technical expertise to the Agency in the rulemaking process. Given this role, can you please further explain how the consideration of this report prior to its public disclosure and your subsequent circulation within the Agency relates to your April 23rd and May 9th memos on transparency and scientific integrity? Specifically, can you please document the agency's internal process for assessing and summarizing the information in this report or other information related to this report from the NCEE?

9. Please provide any other documents related to the production of Dr. Carlin's report or any other analysis done by the National Center for Environmental Economics that address climate science.

Please ensure your office of General Counsel reviews this request and makes appropriate recommendations for retention and production of documents. For questions please contact Tom Hassenboehler or George Sugiyama at 202-224-6176.

Sincerely,

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

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