
United States Environmental Protection Agency

EPA Docket ID Number EPA-HQ-OAR-2009-0171

IN RE:
PROPOSED ENDANGERMENT AND
CAUSE OR CONTRIBUTE FINDINGS FOR
GREENHOUSE GASES UNDER SECTION 202(A)
OF THE CLEAN AIR ACT; PROPOSED RULE,
74 FR 18,886 (APR. 24, 2009)

**Supplement to the
October 5th Petition of the Competitive Enterprise Institute
To Reopen This Proceeding in Light of
Newly Released Information**

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Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mailcode 6102T
Attention Docket ID No. EPA-HQ-OAR-2009-0171
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

By electronic delivery to: GHG-Endangerment-Docket@epa.gov
And by hand delivery to the EPA Docket Center

**Emergency Supplement to CEI's October 5th Petition To Reopen This
Proceeding in Light of Newly Released Information
Re: Proposed Endangerment and Cause or Contribute Findings for
Greenhouse Gases Under Section 202(a) of the Clean Air Act
Docket ID No. EPA-HQ-OAR-2009-0171**

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INTRODUCTION

On October 5, CEI petitioned EPA to reopen its Endangerment Proceeding because of a disclosure by the University of East Anglia's Climate Research Unit (CRU) that it had destroyed the raw data for its data set of global surface temperatures. In our view, this destruction of data was a major breach of scientific standards. It warranted a reexamination of the studies based on that data, and a reopening of the comment period to allow public response to this issue.

EPA has not responded to our petition.

In the past two weeks, however, new information has surfaced which casts far greater doubt on the validity of CRU's work. In the view of many, this information destroys

CRU's reputation entirely. Yesterday, CRU director Dr. Phil Jones announced that he was stepping down from his position temporarily while the university conducts an investigation of the released material. CRU Update (Dec. 1, 2009), <http://www.uea.ac.uk/mac/comm/media/press/2009/nov/homepagenews/CRUupdate>

PURPOSE OF THIS FILING

The purpose of this filing is to put EPA on notice that new information has very recently been released, whose content is so grave that it may well destroy EPA's basis for an Endangerment Finding. At a minimum, it requires EPA to reopen this proceeding and engage in a full examination of this information, accompanied by public comment. *If the new material is serious enough to have led to the departure, at least temporarily, of CRU's Director, then for that same reason it justifies EPA's reopening this proceeding.*

CEI will submit to EPA a more detailed examination of the new information shortly. However, given the possibility that EPA may be on the verge of issuing its final decision, it is important that this agency be formally notified of both the existence of this information and the fact of Dr. Phil Jones' departure from CRU.

THE NATURE OF THE NEW INFORMATION

On Thursday, November 19th several thousand emails and documents from the Climate Research Unit of East Anglia University became available for download from the Internet.

The released information is voluminous. It consists of more than 157 megabytes of data, including over 1,000 emails and 3,400 other documents. Its contents are still being analyzed, and will be for some time to come, but a number of things are apparent. There were conscious efforts by leading climate scientists to misrepresent or falsify data, to evade FOIA requests, and to inject intentional bias into the scientific peer review process. There were also admissions in these emails that global warming largely ceased in the last 10-15 years, despite public claims that it was continuing.

In addition to the emails, sections of annotated computer code from programs used to process climate data were among the revealed documents. The annotations by programmers indicate that the programs were written in such a way as to artificially adjust the data to meet their needs.

Two representative examples of analyses of this information are: I. Murray, *Three Things You Absolutely Must Know About Climategate* (Nov. 24, 2009), <http://pajamasmedia.com/blog/three-things-you-absolutely-must-know-about-climategate/>; C. Monckton, *Climate Sensitivity Reconsidered* (Sept. 12, 2008), http://scienceandpublicpolicy.org/images/stories/papers/monckton/climate_sensitivity_reconsidered.pdf

This new information casts grave doubt on the body of research underlying EPA's Endangerment Proposal, and may well entirely destroy the basis for EPA's proceeding; namely, the major assessment reports of both the Intergovernmental Panel on Climate Change (IPCC) and the U.S. Climate Change Science Program (CCSP).
74 FR 18,894 col. 1.

A zip folder containing the files may be downloaded from these two locations:

<http://www.filedropper.com/foi2009>

<http://www.megaupload.com/?d=XD050VKY>

A search engine for browsing through the emails by keyword may be found here:

<http://www.eastangliaemails.com/>

In addition, CEI is today filing a CD containing the data with EPA's Docket Center.

CONCLUSION

For the foregoing reasons, EPA should immediately suspend any action it is about to take on an Endangerment Finding, and reopen this proceeding for an investigation of, and public comment on, the newly-released information.

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