

10.20.99 International Center for Technology Assessment submits petition to EPA seeking regulation of GHGs under § 202(a) of the CAA. This was denied in Sept. 2003, then winded its way through DC Cir. litigation, where that court upheld the denial.

4.02.07 SCOTUS holds 5-4 in *Massachusetts v. EPA* that the CAA definition of “air pollutant” contemplates GHGs, and that the Administrator must determine whether emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or, or whether the science is too uncertain to make that decision.

It did not order EPA to regulate GHGs, just to set forth a reasoned basis for doing so or not doing so.

12.18.08 EPA Administrator Johnson finds no endangerment, focusing specifically on stationary source permitting requirements, as set forth in the 19-page Johnson memo.

1.21.09 Obama administration takes office at noon.

1.29.09 Principal advisor to the Administrator on legislative climate issues and former green-group (NRDC) lawyer, David McIntosh, reports to the Administrator Lisa Jackson (under her false-identity email account in the name of "Richard Windsor") and Lisa Heinzerling³ about the second of two scheduled meetings with [REDACTED] climate modelers. [REDACTED].”

1.30.09 Scheduled briefing on response to Endangerment issue from *Mass. v EPA*

2.08.09 Lisa Heinzerling sends “Windsor” “Power plant memo”, WIF

2.16.09 Emails, heavily redacted, discuss how much and what to say to NYT’s Broder in interview the next day. Redactions include discussion of endangerment. State, re that interview: “SUBJECT: Handshake meeting; **Opportunity to outline agenda; endangerment**”

2.16.09 Jackson writes to Heinzerling, Subject: Good news re: Johnson memo, “The Sierra Club and other petitioners who have challenged the Johnson memo on PSD will NOT be asking the court to stay the memo tomorrow. [REDACTED [two lines]]. Have a good night.”

Heinzerling responds, “Wow. How did you pull THAT off?”

That seems a very good question.

2.18.09 NYT’s Broder publishes story “EPA to regulate Greenhouse gases”. Story quotes Jackson saying mind not made up but *MA v EPA* anniversary coming up, which she calls “momentous,” saying “We have to lay out a road map.”

EPA redacted several emails, shielding discussion of same.

³ Ms. Heinzerling, who authored Massachusetts et al.’s brief in the *Massachusetts v. EPA* case, was brought in to the administration immediately and set to work on this matter for the first approximately seven months as “Administrator Jackson’s chief advisor on climate matters” (apparently until “reinforcements have arrived”

2.22.09 Vaughn index shows several email discussions of Endangerment, between Administrator and Heinzerling, WIF, as was email with same and PR chief discussing when and how to tell public about EF

2.23.09 Email from Bob Sussman to Windsor, Heinzerling, McIntosh, Subject: “OMB/Endangerment Finding”, refers to recommendation for “one important item” from Michael Fitzpatrick of OIRA (OMB) for proceeding with the Endangerment Finding

Heinzerling responds, **“We’re planning on doing this.”**

This shows EF was well in the works one month into office.

2.26.09 Email from Heinzerling to “Windsor”, McIntosh, states that EF will be made, even though it was at the time purportedly just something under consideration, *and* that Agency can proceed w tailpipe regs (subject of *Mass. V. EPA*) while EF is underway

2.26.09 EPA tells Heather Zichal, deputy WH coordinator for climate and energy policy, that the EF will be made, they will get OMB to expedite its review and gives the timeline for going final

3.05.09 Vaughn index shows email discussions of Endangerment, between Administrator and Heinzerling, WIF

3.10.09 Vaughn index shows email discussions of Endangerment, between Administrator and Heinzerling, WIF

3.12.09 Al McGartland, director of EPA’s National Center for Environmental Economics, emails (later) whistleblower Alan Carlin re the latter’s efforts to have information deemed “not helpful” in the EF record

3.13.09 Vaughn index shows string of emails about drafting memo to POTUS re EF, Heinzerling and Windsor, Attachment: “Presidential Decision Memo endangerment LH 3-15 – redline.doc”. Other entries show this thread continues on 3.16.09 and 3.22.09, including David McIntosh

3.16.09 Subject: Comments on the Endangerment TSD, copying more Agency officials, Carlin presses for inclusion of what are later described as “not helpful” comments contradicting what the administration has decided to do

3.17.09 More WIF email between Windsor and Heinzerling, “Endangerment”

3.17.09 McGartland emails Carlin, Subject: endangerment comments??? stating he did not forward Carlin’s input and stated, *inter alia*, **“The administrator and the administration has decided to move forward on endangerment, and your comments do not help the legal of policy case for this decision.”**

3.20.09 More WIF email between Windsor and Heinzerling, “Endangerment”

3.22.09 WIF emails between Windsor, Heinzerling, public affairs chief, “Endangerment”

3.202-23.09 WIF email between Windsor, Heinzerling, public affairs chief, on the matter of public hearings on “the endangerment finding”, which the records states had not yet been made

4.07.09 LPJ/“Windsor” trying to get time w David Axelrod to message EF

4.24.09 EPA proposes EF

6.09 Alan Carlin whistleblowing. 6.24.09 email re same, and having not been presented with the questions about Carlin allegations “we had been worried about.”

12.03.09 Vaughn index shows East Anglia (i.e., ClimateGate) Talking Points

12.05.09 Memo, redacted (first in full, then merely heavily), Tough Qs and As, **“Issues raised regarding the Climate Research Unit (CRU) University of East Anglia.”**

Fully redacts **“Relevance to EPA and the Endangerment Finding.”**


12.15.09 EPA publishes “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act.”

9.26.11 OIG report requested by Ranking EPW Member Sen. James Inhofe (R-OK), “Procedural Review of EPA 's Greenhouse Gases Endangerment Finding Data Quality Processes”—which found, among other procedural deficiencies, that the EF “should have been peer reviewed as” required by implementing guidance for the Information Quality Act but was not—states, *inter alia*, in its discussion “OAR Did Not Follow Some Steps in the Action Development Process”:

“EPA initiated a formal action development process for the stand-alone greenhouse gases endangerment finding in early March 2009,” and “OAR [Office of Air and Radiation] began the action development process for the stand-alone endangerment finding in March 2009...”, citing no other point of note in the history of considering an EF between March 2009 and July 2008;

and

“in the endangerment finding EPA described the April 2009 TSD as the “underlying scientific and technical basis” for the Administrator’s proposed findings.”

 **Re: endangerment**
Alan Carlin to: Al McGartland
Cc: John Davidson

03/12/2009 04:08 PM

Agreed.
Alan

Al McGartland

In light of the tight schedule and the turn of events, please do not have any dire...

03/12/2009 02:40:31 PM

From: Al McGartland/DC/USEPA/US
To: Alan Carlin/DC/USEPA/US@EPA, John Davidson/DC/USEPA/US@EPA
Cc: Chris Dockins/DC/USEPA/US@EPA, Steve Newbold/DC/USEPA/US@EPA
Date: 03/12/2009 02:40 PM
Subject: endangerment

In light of the tight schedule and the turn of events, please do not have any direct communication with anyone outside of NCEE on endangerment. There should be no meetings, emails, written statements, phone calls etc. All communication needs to go through Steve and me and then to Paul, and then to OAR.

Al McGartland, PhD.
Director, National Center for Environmental Economics
US EPA
1201 Pennsylvania Ave., N.W.
Washington, D.C. 20460

202.566.2244

Fw: Comments on the Endangerment TSD

Alan Carlin to: Steve Newbold

Cc: Al McGartland, John Davidson, Chris Dockins

03/16/2009 03:55 PM

Steve,

I have not heard from Al as of now so presumably the decision is yours as we approach the COB deadline today.

Since Friday I have endeavored to respond to your concerns about the extent of the material in my comments that have not so far appeared in the peer-reviewed scientific literature and about the title page in the hope that you will change your decision as to forwarding my comments to Paul and



then hopefully onto OAR. I am attaching a revised copy Endangerment comments v7b.doc with some improvements in the list of references and the title page changes you requested. I have not had time to improve the formatting, however. I would like to note, however, that by my rough count roughly two-thirds of my references are to peer-reviewed publications. It is also my view that the critical attribute of good science is its correspondence to observable data rather than where it appears in the technical literature. I believe my comments are valid, significant, and contain references to significant new research since the cut-off for IPCC and CCSP inputs. They are significant because they present information critical to the justification (or lack thereof) for the proposed endangerment finding. They are valid because they explain much of the observational data that have been collected which cannot be explained by the IPCC models.

There is still time to submit my comments to Paul and I urge you to do so.

Alan

— Forwarded by Alan Carlin/DC/USEPA/US on 03/16/2009 03:04 PM —

From: Alan Carlin/DC/USEPA/US
To: Steve Newbold/DC/USEPA/US@EPA
Cc: John Davidson/DC/USEPA/IS@EPA
Date: 03/13/2009 10:49 AM
Subject: Re: Fw: Comments on the Endangerment TSD

Hi Steve,

The authorship is clearly indicated on the last page. Actually, much of the non-observational material (ie, statements that do not involve direct interpretation of existing data) is actually in peer-reviewed literature somewhere and I have tried to reference everything. If it is not going anywhere, I will postpone changing the cover, although this is easily done.

Alan

Steve Newbold

Alan, At the moment I am working on combining John's and my comments into...

03/13/2009 10:28:46 AM

EPA-0013430001118-0012

 Re: endangerment comments???

Al McGartland to: Alan Carlin

Cc: John Davidson, Steve Newbold

03/17/2009 08:12 AM

Alan, I decided not to forward your comments. The time for such discussion of fundamental issues has passed for this round. The administrator and the administration has decided to move forward on endangerment, and your comments do not help the legal or policy case for this decision. I have stressed in previous emails that this is not a criteria document for climate change and greenhouse gases. If such a document is ever drafted, then perhaps your comments might be considered.

I can only see one impact of your comments given where we are in the process, and that would be a very negative impact on our office.

Al McGartland, PhD.

Director, National Center for Environmental Economics

US EPA

1201 Pennsylvania Ave., N.W.

Washington, D.C. 20460

202.566.2244

EPA-0013430001118-0013

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 06/23/2009 07:00 PM
Subject: Re: Statement Regarding "Muzzled" EPA Official

Ex. 5 - Deliberative

Release 2 - HQ-FOI-01268-12

All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

Ex. 5 - Deliberative

Seth Oster

----- Original Message -----

From: Seth Oster

Sent: 06/23/2009 06:56 PM EDT

To: Richard Windsor; Diane Thompson; Lisa Heinzerling; Arvin Ganesan; Marcia Mulkey

Cc: Adora Andy; Allyn Brooks-LaSure

Subject: Statement Regarding "Muzzled" EPA Official

Ex. 5 - Deliberative

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, his manager allowed those views to be

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 9:13:13 PM
Subject: Re: FINAL Statement on Endangerment Issue

We are being very aggressive on-background. We are hitting multiple points:

- the actions of the supervisor demonstrate the opposite effect of muzzling someone
- his peers dismissed his opinions as not grounded in science
- where at least a few of his points were deemed based in science, they were in fact included in what went to OAR
- he was consistently accommodated by being allowed to express his views at conferences and seminars

Our challenge now is that reporters all are asking us to release his "study" and opinions. I don't see this story going away if we refuse. Apparently, according to folks in OPEI the conclusions will not be taken seriously by any informed consumer. However, for the layman -- i.e., reporters -- it may not land with the same thud.

I am seeking a review by OAR (or Lisa H). But my instinct is that we should just get it out so that we cannot be accused of hiding something because it may contain some bombshell we don't want the world to see.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 04:26 PM
Subject: Re: FINAL Statement on Endangerment Issue

Ok. I assume upon Q and A that you will put in the stuff abt how his views were considered and discredited by scientists.

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 04:02 PM EDT
To: Diane Thompson; Richard Windsor; Marcia Mulkey
Cc: Adora Andy; Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: FINAL Statement on Endangerment Issue
Below is the final statement that is now going out.



To: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Richard Windsor/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 6:00:24 PM
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
http://cei.org/cei_files/fm/active/0/Endangerment%20Comments%206-23-09.pdf

Congrats! OPA is all over this. No worries.

----- Original Message -----

From: Scott Fulton
Sent: 06/24/2009 01:25 PM EDT
To: Richard Windsor
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
On my way back to the office. Will check this out and help Diane make sure level heads prevail. Hearing went fine. Nothing too difficult, and none of the hard stuff we worried about, but we'll see what the written questions bear. We'll keep the place glued together until you get back.

----- Original Message -----

From: Richard Windsor
Sent: 06/24/2009 12:58 PM EDT
To: Seth Oster; Diane Thompson; Lisa Heinzerling; Marcia Mulkey; Bob Sussman; Arvin Ganesan; Scott Fulton
Cc: Allyn Brooks-LaSure; Adora Andy
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report

Deliberative

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 12:46 PM EDT
To: Richard Windsor; Diane Thompson; Lisa Heinzerling; Marcia Mulkey; Bob Sussman; Arvin Ganesan; Scott Fulton
Cc: Allyn Brooks-LaSure; Adora Andy
Subject: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
The senior economist from OPEI has also apparently gone to a public policy group, which as issued the press release below.

We had the Dow Jones issue almost under control, but now the issue is out in the open. Washington Post and others are calling.

We are issuing our statement (amended with a bit more information we received this morning) and will be working this with reporters the rest of the day.

Seth

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]; N=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 4:46:03 PM
Subject: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
http://cei.org/cei_files/fm/active/0/Endangerment%20Comments%206-23-09.pdf

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We had the Dow Jones issue almost under control, but now the issue is out in the open. Washington Post and others are calling.

We are issuing our statement (amended with a bit more information we received this morning) and will be working this with reporters the rest of the day.

Seth

Competitive Enterprise Institute contact: Audrey Mullen at 703-548-1160

www.cei.org

EPA Suppresses Internal Global Warming Study

CEI Calls for Agency to Release Concealed Report

Washington, D.C. -- The Competitive Enterprise Institute today charged that a senior official of the U.S. Environment Protection Agency actively suppressed a scientific analysis of climate change because of political pressure to support the Administration's policy agenda of regulating carbon dioxide.

As part of a just-ended public comment period, CEI submitted a set of four EPA emails, dated March 12-17, 2009, which indicate that a significant internal critique of the agency's global warming position was put under wraps and concealed.

Ex. 5 - Deliberative

Seth

Competitive Enterprise Institute

contact: Audrey Mullen at 703-548-1160

www.cei.org

EPA Suppresses Internal Global Warming Study*CEI Calls for Agency to Release Concealed Report*

Washington, D.C. -- The Competitive Enterprise Institute today charged that a senior official of the U.S. Environment Protection Agency actively suppressed a scientific analysis of climate change because of political pressure to support the Administration's policy agenda of regulating carbon dioxide.

As part of a just-ended public comment period, CEI submitted a set of four EPA emails, dated March 12-17, 2009, which indicate that a significant internal critique of the agency's global warming position was put under wraps and concealed.

The study the emails refer to, which ran counter to the administration's views on carbon dioxide and climate change, was kept from circulating within the agency, was never disclosed to the public, and was not added to the body of materials relevant to EPA's current "endangerment" proceeding. The emails further show that the study was treated in this manner not because of any problem with its quality, but for political reasons.

The emails may be seen here: http://cei.org/cei_files/fm/active/0/Endangerment%20Comments%206-23-09.pdf

"This suppression of valid science for political reasons is beyond belief," said CEI General Counsel Sam Kazman. "EPA's conduct is even more outlandish because it flies in the face of the President's widely-touted claim that 'the days of science taking a back seat to ideology are over.'"

CEI's filing requests that EPA make the suppressed study public, place it into the endangerment docket, and extend the comment period to allow public response to the new information. CEI is also requesting that EPA publicly declare that it will engage in no reprisals against the study's author, a senior analyst who has worked at EPA for over 35 years.

CEI is a non-profit, non-partisan public policy group dedicated to the principles of free enterprise and limited government. For more information about CEI, please visit our website at www.cei.org.

-30-

Audrey Mullen
Advocacy Ink
815 King Street – Suite 302
Alexandria, VA 22314
Ph. 703-548-1160
Cell 202-270-2772

www.advocacyink.com



01268-EPA-205

Seth Oster/DC/USEPA/US

06/24/2009 04:02 PM

To Diane Thompson, Richard Windsor, Marcia Mulkey

cc Adora Andy, Allyn Brooks-LaSure, Bob Sussman, Lisa
Heinzerling

bcc

Subject FINAL Statement on **Endangerment** Issue

Below is the final statement that is now going out.

Lisa -- (b) (5) Deliberative

[REDACTED]

[REDACTED]

Seth

*This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed **Endangerment** finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, several of the opinions and ideas proposed by this individual were submitted to those responsible for developing the proposed **endangerment** finding. Additionally, his manager allowed his general views on the subject of climate change to be heard and considered inside and outside the EPA and presented at conferences and at an agency seminar. The individual was also granted a request to join a committee that organizes an ongoing climate seminar series, open to both agency and outside experts, where he has been able to invite speakers with a full range of views on climate science. The claims that his opinions were not considered or studied are entirely false.*

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

01268-EPA-206

Seth Oster/DC/USEPA/US

To Richard Windsor

06/24/2009 05:13 PM



bcc

Subject Re: FINAL Statement on Endangerment Issue

Ex. 5 - Deliberative

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

Richard Windsor

Ex. 5 - Deliberative

06/24/2009 04:26:12 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 04:26 PM
Subject: Re: FINAL Statement on Endangerment Issue

Ex. 5 - Deliberative

Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 04:02 PM EDT
To: Diane Thompson; Richard Windsor; Marcia Mulkey
Cc: Adora Andy; Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: FINAL Statement on Endangerment Issue

Below is the final statement that is now going out.

Lisa -- Ex. 5 - Deliberative

Release 2 - HQ-FOI-01268-12

All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

Ex. 5 - Deliberative

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, several of the opinions and ideas proposed by this individual were submitted to those responsible for developing the proposed endangerment finding. Additionally, his manager allowed his general views on the subject of climate change to be heard and considered inside and outside the EPA and presented at conferences and at an agency seminar. The individual was also granted a request to join a committee that organizes an

01268-EPA-201

Seth Oster/DC/USEPA/US

06/24/2009 01:13 PM

To Richard Windsor

cc

bcc

Subject Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report

Agreed.

Ex. 5 - Deliberative

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

Richard Windsor

(b)

06/24/2009 12:54:20 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 12:54 PM
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report

Ex. 5 - Deliberative

Seth Oster

----- Original Message -----

From: Seth Oster

Sent: 06/24/2009 12:46 PM EDT

To: Richard Windsor; Diane Thompson; Lisa Heinzerling; Marcia Mulkey; Bob Sussman; Arvin Ganesan; Scott Fulton

Cc: Allyn Brooks-LaSure; Adora Andy

Subject: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report

Ex. 5 - Deliberative



To: CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Richard Windsor/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 8:26:12 PM
Subject: Re: FINAL Statement on Endangerment Issue

Ok. I assume upon Q and A that you will put in the stuff abt how his views were considered and discredited by scientists.

----- Original Message -----

From: Seth Oster

Sent: 06/24/2009 04:02 PM EDT

To: Diane Thompson; Richard Windsor; Marcia Mulkey

Cc: Adora Andy; Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling

Subject: FINAL Statement on Endangerment Issue

Below is the final statement that is now going out.

Lisa -- we learned additional information today, including that some of the opinions presented by this individual did go forward to OAR. So we've included that.

There will be a lot of press on this. The statement is going now and backgrounding of reporters is underway.

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, several of the opinions and ideas proposed by this individual were submitted to those responsible for developing the proposed endangerment finding. Additionally, his manager allowed his general views on the subject of climate change to be heard and considered inside and outside the EPA and presented at conferences and at an agency seminar. The individual was also granted a request to join a committee that organizes an ongoing climate seminar series, open to both agency and outside experts, where he has been able to invite speakers with a full range of views on climate science. The claims that his opinions were not considered or studied are entirely false.

Seth Oster
Associate Administrator
Office of Public Affairs

01268-EPA-209

Seth Oster/DC/USEPA/US

06/25/2009 08:09 AM

To Richard Windsor

cc

bcc

Subject Re: FINAL Statement on Endangerment Issue

Will do first thing.
Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 06/25/2009 08:08 AM EDT
To: Seth Oster
Subject: Re: FINAL Statement on Endangerment Issue
Ex. 5 - Deliberative

Seth Oster

----- Original Message -----
From: Seth Oster
Sent: 06/25/2009 08:03 AM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue

Ex. 5 - Deliberative

Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 06/25/2009 12:28 AM EDT
To: Seth Oster
Subject: Re: FINAL Statement on Endangerment Issue
Ex. 5 - Deliberative

Seth Oster

----- Original Message -----
From: Seth Oster
Sent: 06/24/2009 10:56 PM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue
Ex. 5 - Deliberative

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918

oster.seth@epa.gov

Richard Windsor

Ex. 5 - Deliberative

06/24/2009 07:51:20 PM

From: Richard Windsor/DC/USEPA/US

To: Seth Oster/DC/USEPA/US@EPA

Date: 06/24/2009 07:51 PM

Subject: Re: FINAL Statement on Endangerment Issue

Ex. 5 - Deliberative

Seth Oster

----- Original Message -----
From: Seth Oster
Sent: 06/24/2009 05:13 PM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue
Ex. 5 - Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Thur 6/25/2009 2:56:01 AM
Subject: Re: FINAL Statement on Endangerment Issue

Agreed. Lisa H. was unavailable late today (she was at the White House) so we asked Beth Craig in OAR -- who helped us with some of this today to make sure proper guidelines were followed in the public comment period -- to take the lead with a small group in her shop to very rapidly evaluate the study so we can release it. We stressed the need to do so as soon as possible tomorrow and she's committed to come back to us by 10 am on Thursday. We're on it.

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 07:51 PM
Subject: Re: FINAL Statement on Endangerment Issue

I agree. Deliberative That's all.

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 05:13 PM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue

We are being very aggressive on-background. We are hitting multiple points:

- the actions of the supervisor demonstrate the opposite effect of muzzling someone
- his peers dismissed his opinions as not grounded in science
- where at least a few of his points were deemed based in science, they were in fact included in what went to OAR
- he was consistently accommodated by being allowed to express his views at conferences and seminars

Our challenge now is that reporters all are asking us to release his "study" and opinions. I don't see this story going away if we refuse. Apparently, according to folks in OPEI the conclusions will not be taken seriously by any informed consumer. However, for the layman -- i.e., reporters -- it may not land with the same thud.

I am seeking a review by OAR (or Lisa H). But my instinct is that we should just get it out so that we cannot be accused of hiding something because it may contain some bombshell we don't want the world

for

Wade T. Najjum
Assistant Inspector General for Program Evaluation
EPA Office of Inspector General

attachment

(b)(5) Attorney-Client

GHG Endangerment Finding Draft Report for Agency comment--05-03-11.docx

01268-EPA-1079

Scott Fulton/DC/USEPA/US

To "Richard Windsor"

05/04/2011 09:32 AM

cc

bcc

Subject Fw: Draft OIG Report, "Procedural Review of Greenhouse Gases Endangerment Finding Data Quality Processes," (No. OPE-FY10-0017, May 3, 2011) for Agency comment.

See Gina's note below. I'll take a look this morning.
Gina McCarthy

----- Original Message -----

From: Gina McCarthy**Sent:** 05/04/2011 03:21 AM EDT**To:** "Bob Sussman" <Sussman.bob@EPA.GOV>; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Bob Perciasepe" <perciasepe.bob@epa.gov>**Cc:** Beth Craig; Joseph Goffman**Subject:** Fw: Draft OIG Report, "Procedural Review of Greenhouse Gases Endangerment Finding Data Quality Processes," (No. OPE-FY10-0017, May 3, 2011) for Agency comment.

(b)(5) Deliberative, (b)(5) Attorney-Client

[REDACTED]

[REDACTED]

[REDACTED]

Rick Beusse

----- Original Message -----

From: Rick Beusse**Sent:** 05/03/2011 07:21 PM EDT**To:** Gina McCarthy; Paul Anastas; Malcolm Jackson**Cc:** Wade Najjum; Beth Craig; Margaret Guerriero; Dina Kruger; Rona Birnbaum; Ben DeAngelo; Joseph Goffman; Carol Holmes; David LaRoche; Nicole Owens; Al McGartland; Fred Hauchman; Neil Stiber; Nancy Wentworth; Jorge Rangel; Norman Adkins; Patrick Huber; Elizabeth Grossman; Jim Hatfield; Andrew Lavenburg; Bao Chuong; Rick Beusse**Subject:** Draft OIG Report, "Procedural Review of Greenhouse Gases Endangerment Finding Data Quality Processes," (No. OPE-FY10-0017, May 3, 2011) for Agency comment.

(b)(5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

J. Rick Beusse

9.26.11 OIG report requested by Ranking EPW Member Sen. James Inhofe (R-OK), “Procedural Review of EPA 's Greenhouse Gases Endangerment Finding Data Quality Processes”—which found, among other procedural deficiencies, that the EF “should have been peer reviewed as” required by implementing guidance for the Information Quality Act but was not—states, *inter alia*, in its discussion “OAR Did Not Follow Some Steps in the Action Development Process”:

“EPA initiated a formal action development process for the stand-alone greenhouse gases endangerment finding in early March 2009,” and “OAR [Office of Air and Radiation] began the action development process for the stand-alone endangerment finding in March 2009...”, citing no other point of note in the history of considering an EF between March 2009 and July 2008;

and

“in the endangerment finding EPA described the April 2009 TSD as the “underlying scientific and technical basis” for the Administrator’s proposed findings.”

01268-EPA-1372

Betsaida
Alcantara/DC/USEPA/US
09/28/2011 06:14 PM

To Richard Windsor
cc "Seth Oster"
bcc
Subject Re: Greenwire: New IG Report Faults Process in EPA's
Greenhouse Gas Assessments

exactly

Richard Windsor

Love the first sentence - political, not s...

09/28/2011 06:13:50 PM

From: Richard Windsor/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA
Cc: "Seth Oster" <oster.seth@epa.gov>
Date: 09/28/2011 06:13 PM
Subject: Re: Greenwire: New IG Report Faults Process in EPA's Greenhouse Gas Assessments

Exemption 5 -- deliberative process

Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 09/28/2011 06:01 PM EDT
To: Betsaida Alcantara
Cc: Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis
Subject: Greenwire: New IG Report Faults Process in EPA's Greenhouse Gas Assessments

New IG Report Faults Process in EPA's Greenhouse Gas Assessments

By EMILY YEHLE AND JEAN CHEMNICK of [Greenwire](#)

In a report with wide-reaching political implications, U.S. EPA's inspector general has found that the scientific assessment backing U.S. EPA's finding that greenhouse gases are dangerous did not go through sufficient peer review for a document of its importance.

The new report, released today, examines only federal requirements for EPA's "technical support document" and not the accuracy of the scientific studies included within it. But its conclusions have nevertheless reinvigorated GOP criticism of EPA's **endangerment** finding, which enabled the agency to regulate greenhouse gas emissions under the Clean Air Act.

"This report confirms that the **endangerment** finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Sen. James Inhofe (R-Okla.) said in a statement. "It calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the **endangerment** finding."

Inhofe, the top Republican on the Environment and Public Works Committee, called for

44

315

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01268-EPA-4422	Prod:	01/26/2011 06:29:52 PM	Auth: Gina McCarthy
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<u>Recipients</u>	<u>Exemption(s)</u>	<u>Attachments</u>
Richard Windsor/DC/USEPA/US@EPA Sussman.bob@EPA.GOV perciasepe.bob@epa.gov McIntosh.David@EPA.GOV	Ex. 5 - Deliberative Process Privilege -WIF	Draft GHG Endangerment Finding preliminary discussion document--01-26-11.doc oig update1.17.docx

01268-EPA-4423	Prod:	01/26/2011 06:42:50 PM	Auth: Richard Windsor
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<u>Recipients</u>	<u>Exemption(s)</u>	<u>Attachments</u>
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01268-EPA-5657	Prod: Production 4	04/15/2011 12:34:25 PM	Auth: Richard Windsor
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Recipients

"Cutter, Stephanie"
 <(b) (6) Privacy>

Exemption(s)

Ex. 6 - Personal Privacy -Redact

Attachments

01268-EPA-5658	Prod: Production 4	04/15/2011 07:29:44 PM	Auth: Scott Fulton
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Recipients

Windsor.Richard@epamail.epa.gov
 "Bob Perciasepe"
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 "Bob Sussman"
 <Sussman.Bob@epamail.epa.gov>
 "Seth Oster" <Oster.Seth@epamail.epa.gov>
 "Diane Thompson" <thompson.diane@epa.gov>
 "David McIntosh"
 <McIntosh.David@epamail.epa.gov>

Exemption(s)

Ex. 5 - Deliberative Process Privilege
 -Redact
 Ex. 6 - Personal Privacy -Redact

Attachments

EPA **OIG** responses - Peer Review and Information Quality.pdf

01268-EPA-5659	Prod: Production 4	04/15/2011 07:34:57 PM	Auth: Richard Windsor
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Recipients

Scott Fulton/DC/USEPA/US@EPA

Exemption(s)

Ex. 5 - Deliberative Process Privilege
 -Redact
 Ex. 6 - Personal Privacy -Redact

Attachments

01268-EPA-5660	Prod: Production 4	04/16/2011 03:02:42 PM	Auth: Michael Moats
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