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Environmental Protection Agency
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Washington, DC 20460

Submitted via E-mail to OIG_Hotline@epa.gov

March 14, 2017

Re: Violation of Scientific Integrity Policy by Administrator Scott Pruitt

Dear Inspector General Elkins:

On behalf of the Sierra Club and its 2.7 million members and supporters, we write to request an inquiry into Administrator Pruitt's recent public statements contradicting the international scientific consensus on climate change, which violate the U.S. Environmental Protection Agency's Scientific Integrity Policy.[1] We respectfully urge you to investigate and remedy this violation as soon as possible to prevent further erosion of scientific integrity at the agency.[2]

I. Circumstances of the Violation

On March 9, 2017, during a CNBC interview televised throughout the world, Administrator Pruitt was asked, "Do you believe that it's been proven that carbon dioxide ["CO_2"] is the primary control knob for climate?" He responded:

> No. I think that measuring with precision human activity on the climate is something very challenging to do and there's tremendous disagreement about

[1]U.S. Environmental Protection Agency Scientific Integrity Policy (2012) (hereinafter "Policy"), https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf.
[2]The EPA's website and 2014 Scientific Integrity Annual Report indicate that complaints of a loss of scientific integrity may be submitted to your office. *See* Reporting an Allegation of a Loss of Scientific Integrity, https://www.epa.gov/osa/basic-information-about-scientific-integrity ("To report an allegation of the loss of scientific or scholarly integrity, submit it in writing to the Scientific Integrity Official (ScIO), one of the Deputy Scientific Integrity Officials (DScIOs), or the Office of Inspector General."); Environmental Protection Agency, *Scientific Integrity – Annual Report FY 2014*, at 10-13, https://www.epa.gov/sites/production/files/2015-04/documents/annual_report_scientific_integrity_2014_final_pages.pdf.

> the degree of impact. So no, I would not agree that it's a primary contributor to the global warming that we see. But we don't know that yet . . . We need to continue the debate and continue the review and the analysis.[3]

This exchange appeared on the show Squawk Box, which CNBC describes as "the ultimate 'pre-market' morning news and talk program, where the biggest names in business and politics tell their most important stories. . . [T]he show brings Wall Street to Main Street. It's a 'must see' for everyone from the professional trader to the casual investor." [4] The show airs in the United States, Australia, Asia, Europe, the Middle East, and Africa.[5]

II. Administrator Pruitt's Statements Undermine EPA's Scientific Integrity.

Administrator Pruitt's televised statements contradict decades of work by international scientific institutions and federal agencies, including EPA, that have found CO_2 to be a primary cause of global warming. Coming from the head of EPA in a major public forum, these statements undermine and delegitimize established climate science. They represent a significant loss of scientific integrity at the agency.

Administrator Pruitt's comments are not only erroneous, but appear to be politically motivated. Administrator Pruitt has long opposed the regulation of carbon dioxide,[6] as have the fossil fuel interests that have made large donations to his campaign and have been his close allies in the past.[7] While Administrator Pruitt is free to advocate for policy changes, he may not do so while distorting the basic science underlying the policy he opposes.

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[3] A video clip of the full interview is available at http://www.businessinsider.com/scott-pruitt-climate-change-2017-3 (last visited March 13, 2017).

[4] CNBC Squawk Box, http://www.cnbc.com/squawk-box-us/

[5] *Id.*

[6] Scott Pruitt & Luther Strange, *The Climate Change Gang*, NATIONAL REVIEW (May 17, 2016), http://www.nationalreview.com/article/435470/climate-change-attorneys-general. Bobby McGill, *Donald Trump picked Oklahoma AG Scott Pruitt, a climate denier, to run the Environmental Protection Agency*, SALON (Dec. 7, 2016), http://www.salon.com/2016/12/07/donald-trump-picked-oklahoma-ag-scott-pruitt-a-climate-denier-to-run-the-environmental-protection-agency/

[7] Brady Dennis & Steve Mufson, *Thousands of emails detail EPA head's close ties to fossil fuel industry*, WASHINGTON POST (Feb. 22, 2017), https://www.washingtonpost.com/news/energy-environment/wp/2017/02/22/oklahoma-attorney-generals-office-releases-7500-pages-of-emails-between-scott-pruitt-and-fossil-fuel-industry/; Alex Guillen & Esther Whieldon, *Energy executives, secretive nonprofit raise money to back Pruitt*, POLITICO (Jan. 6, 2017), http://www.politico.com/story/2017/01/scott-pruitt-epa-nonprofit-backers-233306; Coral Davenport & Eric Lipton, *Trump Picks Scott Pruitt, Climate Change Denialist, to Lead E.P.A.*, NEW YORK TIMES (Dec. 7, 2016), https://www.nytimes.com/2016/12/07/us/politics/scott-pruitt-epa-trump.html; Eric Lipton, *Energy Firms in Secretive Alliance With Attorneys General* (Dec. 6, 2014), NEW YORK TIMES, https://www.nytimes.com/2014/12/07/us/politics/energy-firms-in-secretive-alliance-with-attorneys-general.html.

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A. Administrator Pruitt Misrepresented Established Scientific Facts to the Public and the News Media.

Administrator Pruitt's claim that CO_2 is not a "primary contributor" to global warming is false. EPA's 2009 Endangerment Finding, which was based on a comprehensive review of climate science, found that carbon dioxide is a primary contributor to climate change, endangering the public health and welfare of current and future generations.[8]

The Endangerment Finding was based in large part on the agency's independent review of the scientific assessments undertaken by the Intergovernmental Panel on Climate Change (IPCC), which was established by the World Meteorological Organization and the United Nations Environment Programme. Through the IPCC, climate experts from around the world synthesize the most recent climate science findings every five to seven years and present their report to the world's political leaders. The IPCC ensures exceptional scientific credibility through an exhaustive and transparent process of peer-review in which the assessments are developed and accepted by its members. This process is more extensive than most scientific journals. The IPCC also explicitly includes a process for incorporating the views of experts across the spectrums, including climate change contrarians.[9] EPA also reviewed and incorporated the findings of domestic scientific entities, the U.S. Global Change Research Program and the National Research Council.[10]

EPA's website explains its findings on CO_2 to the public as follows:

> Carbon dioxide is the primary greenhouse gas that is contributing to recent climate change. . . Human activities, such as the burning of fossil fuels and changes in land use, release large amounts of CO_2, causing concentrations in the atmosphere to rise.[11]
>
> While CO_2 emissions come from a variety of natural sources, human-related emissions are responsible for the increase that has occurred in the atmosphere since the industrial revolution.[12]
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> . . .

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[8] Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act ("Endangerment Finding"), 74 Fed. Reg. 66,496 (Dec. 15, 2009).
[9] Union of Concerned Scientists, *The IPCC: Who Are They and Why Do Their Climate Reports Matter?*, http://www.ucsusa.org/global_warming/science_and_impacts/science/ipcc-backgrounder.html.
[10] 74 Fed. Reg. at 66,510-66,512.
[11] EPA, Greenhouse Gas Emissions, https://www.epa.gov/ghgemissions/overview-greenhouse-gases#carbon-dioxide.
[12] *Id.*

> Recent climate changes . . . cannot be explained by natural causes alone. Research indicates that natural causes do not explain most observed warming, especially warming since the mid-20th century. Rather, it is extremely likely that human activities have been the dominant cause of that warming.
> . . .
>
> Since the Industrial Revolution began around 1750, human activities have contributed substantially to climate change by adding CO_2 and other heat-trapping gases to the atmosphere. These greenhouse gas emissions have increased the greenhouse effect and caused Earth's surface temperature to rise. The primary human activity affecting the amount and rate of climate change is greenhouse gas emissions from the burning of fossil fuels.[13]

Administrator Pruitt's statements thus not only contradict established science, but also the EPA's efforts to communicate that science to the public.

In 2012, the U.S. Court of Appeals for the D.C. Circuit resoundingly upheld the Endangerment Finding, including EPA's approach to the underlying science.[14] Although state and industry petitioners "challenge[d] the adequacy of the scientific record underlying the Endangerment Finding, objecting to both the type of evidence upon which EPA relied and EPA's decision to make an Endangerment Finding in light of what Industry Petitioners view[ed] as significant scientific uncertainty," the Court held that "[n]either objection ha[d] merit."[15]

Since EPA issued and litigated the Endangerment Finding, the evidence that human activity causes climate change has become even more compelling, and accordingly, scientific consensus on carbon dioxide's contribution to a warming planet remains strong.[16] The IPCC's 5th Assessment Report, published in 2014, concluded:

> Continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems. Limiting climate change would require substantial and sustained reductions in greenhouse gas emissions which, together with adaptation, can limit climate change risks.[17]

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[13] EPA, Climate Change Science, https://www.epa.gov/climate-change-science/causes-climate-change.
[14] *Coalition for Responsible Regulation, Inc. v.* EPA, 684 F.3d 102, *rev'd in part on other grounds, UARG v. EPA*, 134 S. Ct. 2427 (2014) (D.C. Cir. 2012). *See also Massachusetts v. EPA*,549 U.S. 497, 534 (2007) .
[15] *Coalition for Responsible Regulation, Inc.*, 684 F.3d at 119.
[16] *See* Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units; Final Rule, 80 Fed. Reg. 64,662, 64,683-64,688 (Oct. 23, 2015) (hereinafter "Clean Power Plan"); U.S. Global Change Research Program, Climate Change Impacts in the United States, U.S. National Climate Assessment (2014).
[17] IPCC, Climate Change 2014 Synthesis Report Summary for Policymakers at 8, http://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf.

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Administrator Pruitt's statement that "we don't know . . . yet" whether carbon dioxide is a primary contributor to climate change, and that there is an ongoing "debate" on this question, is wholly inconsistent with the actual level of consensus concerning climate science.

As explained by the American Meteorological Society in a letter to Administrator Pruitt following his remarks, "In reality, the world's seven billion people are causing climate to change and our emissions of carbon dioxide and other greenhouse gases are the primary cause. This is a conclusion based on the comprehensive assessment of scientific evidence. It is based on multiple independent lines of evidence that have been affirmed by thousands of independent scientists and numerous scientific institutions around the world. We are not familiar with any scientific institution with relevant subject matter expertise that has reached a different conclusion."[18]

In issuing the Clean Power Plan, EPA reviewed numerous major climate assessments released after the Endangerment Finding, and found that "[t]he findings of the recent scientific assessments confirm and strengthen the conclusion that GHGs endanger public health, now and in the future."[19]

Likewise, in 2016, seven climate experts published a paper reviewing studies on the scientific consensus on climate change and found that:

> 1) Somewhere between 90% and 100% that agree humans are responsible for climate change, with most of the studies finding 97% consensus among publishing climate scientists.
>
> 2) The greater the climate expertise among those surveyed, the higher the consensus on human-caused global warming.[20]

These conclusions demonstrate that the statements by Administrator Pruitt grossly misrepresented the state of scientific certainty as to carbon dioxide's influence on the climate.

III. Administrator Pruitt's Misrepresentation of Science Violates the Scientific Integrity Policy.

The above evidence is sufficient to find that Administrator Pruitt has violated the EPA's Scientific Integrity Policy. The Policy, adopted in 2012, applies to all EPA employees, including political appointees. It applies to a range of official activities, including "communicating

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[18] Letter from K. Seitter, Executive Director, American Meteorological Society, to Administrator Pruitt (Mar. 13, 2017), https://www.ametsoc.org/ams/index.cfm/about-ams/ams-position-letters/letter-to-epa-administrator-pruitt-on-climate-change/.

[19] Clean Power Plan, 80 Fed. Reg. at 64,683 (Oct. 23, 2015).

[20] Cook et al, *Consensus on consensus: a synthesis of consensus estimates on human-caused global warming,* ENV. RSCH. LETTERS 11:4 (April 13, 2016).

information in an official capacity about Agency scientific activities."[21] The Policy "is intended to outline the Agency's expectations for developing *and communicating* scientific information to the public, to the scientific community, to Congress, and to the news media by further providing for and protecting the EPA's longstanding commitment to the timely and unfiltered dissemination of its scientific information – uncompromised by political or other interference."[22]

By stating that carbon dioxide is not a "primary contributor" to global warming, remaining silent on the scientific consensus to the contrary, and exaggerating the disagreement among scientists, Administrator Pruitt's statements violate each of the following principles set forth by EPA's Scientific Integrity Policy:

- "When dealing with science, it is the responsibility of every EPA employee to conduct, utilize, and communicate science with honesty, integrity, and transparency, both within and outside the Agency." (p. 1)

- "[P]olicy makers shall not knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty associated with policy decisions." (p. 5)

- "To operate an effective science and regulatory agency like the EPA, it is also essential that political or other officials not suppress or alter scientific findings." (p. 1)

Administrator Pruitt's statements fail to communicate the science of climate change with integrity, and exaggerate the uncertainty associated with the EPA's scientific judgment in the Endangerment Finding and the policy decisions stemming from that finding.

Although Administrator Pruitt may disagree as to the policy of regulating carbon dioxide, policy decisions must be based on sound science and on accurate communication of that science to the public.[23] "[P]olicy judgments . . . have nothing to do with whether greenhouse gas emissions contribute to climate change. Still less do they amount to a reasoned justification for declining to form a scientific judgment." *Massachusetts v. EPA.*, 549 U.S. at 533-34 (2007).

Administrator Pruitt undermines the agency's mission and its integrity by contradicting basic facts that EPA scientists have studied, verified, and communicated for years. The Scientific Integrity Policy aims not only to protect sound decision-making, but also to engender public

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[21] Policy at 2.
[22] Policy at 5.
[23] Policy at 1 ("The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. The environmental policies, decisions, guidance, and regulations that impact the lives of all Americans every day must be grounded, at a most fundamental level, in sound, high quality science.")

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trust in the Agency. By misrepresenting his own agency's science, Administrator Pruitt severely threatens that trust.

The harm flowing from this loss of scientific integrity cannot be gainsaid. Climate deniers have spent many crucial years obfuscating science and confusing the public in their effort to stave off essential pollution reduction measures and prolong our reliance on dirty fossil fuels. Unfortunately, this effort has succeeded in delaying an effective response to the climate crisis. The result is that it will be far more difficult and expensive to avoid the worst effects of climate change. In recent years, EPA staff has worked tirelessly to build public trust in the agency and remediate the harm done by climate denialism, developing a robust scientific basis for climate policy decisions while educating the public about the causes and effects of climate change. Administrator Pruitt's remarks undermine the efforts of EPA staff and imperil public confidence in the agency.

His comments cannot be dismissed as mere error when (a) they concern a basic scientific fact that underlies a widely discussed and publicized policy of his own agency, and (b) there is evidence of political motivation. Nor has the Administrator admitted that he erred in the aftermath following his remarks.

In sum, Administrator Pruitt's statements on television, along with his subsequent failure to retract or clarify the statements, amount to "deliberate action by an employee that compromises the scientific integrity of the . . . use of scientific and scholarly . . . assessments" and cause a "loss of integrity . . . in the application of science and scholarship in decision making."[24] EPA has stated that it "will not tolerate" such behavior, and we urge you to investigate and correct it.[25]

IV. Disclosure of Disagreements Between the Sierra Club and Administrator Pruitt.

We provide the following "statement explaining any personal or professional extenuating circumstances, non-scientific disagreements or conflict(s) of interest the person making the allegation has with the subject(s), entity(ies) or situation(s), named in the allegation," as advised by EPA.[26]

Sierra Club and Administrator Pruitt strongly disagree on many issues and have been opponents in numerous lawsuits that Administrator Pruitt brought against EPA in his role as Oklahoma Attorney General. Sierra Club and its members vigorously opposed Administrator Pruitt's appointment to his current position, in part due to concern about Administrator Pruitt's lack of respect for the scientific consensus on climate change.

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[24] Reporting an Allegation of a Loss of Scientific Integrity, https://www.epa.gov/osa/basic-information-about-scientific-integrity.
[25] *Id.*
[26] *Id.*

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V. Consideration of this Allegation By Other Entities.

At this time, we have not submitted this allegation to any other entity for investigation.

Please keep us updated on the progress of the investigation at the contact information provided below, and do not hesitate to contact us should you require further information.

Thank you for your attention to this important matter. If the deliberate contradiction of EPA scientists by the Agency's head, on a worldwide stage, on an issue as important to the public as global climate change, is not within the scope of the Scientific Integrity Policy, then the policy is worth little to the citizens and scientists it is meant to protect.

Sincerely,

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