

Forbes

9/30/2011

The EPA's Endangerment Finding Is Very Endangered

[Patrick Michaels](#)

This week's big global warming kerfluffle comes from the EPA's Inspector General, who says the agency broke the law in preparation of its landmark 2009 "Endangerment Finding" from carbon dioxide and other greenhouse gases. Subsequent to making this finding, according to an infamous 2007 Supreme Court decision, the Agency must regulate emissions, presumably to the point which they no longer cause endangerment.

The IG believes that the EPA ran afoul of a rider to the 2001 appropriations bill that has been variously called the "Data Quality Act" or the "Information Quality Act". Put simply, the accepted legal interpretation of this two-line piece of legislation is that a federal document that is a "highly influential science assessment" must undergo rigorous peer-review.

EPA based its endangerment finding on its own "Technical Support Document" (TSD), a weighty tome that drew heavily from the United Nations' latest (2007) climate compendium, and also from a summary document from federal climatologists called "Global Climate Change Impacts on the United States".

Like most groupthink projects, these two documents have numerous problems indicative of shoddy peer review. The UN report contained a purely fictional claim that the massive Himalayan ice field will disappear less than 25 years from now. It ultimately owned up to this whopper, with the author of the statement admitting that the alarmist nonsense was put in to try and shock India and China into reducing their carbon dioxide emissions. The other report is so full of holes that an entire counter-document, with the exact same format and subject matter, but with all the science that somehow got missed, is currently in the works and due out in a year or so.

Critics of the EPA's Endangerment Finding launched several attempts to shut it down. I wrote one critique that—right at the beginning of 220 single-spaced pages—said that the TSD violated the Data Quality Act. It's nice to see that the EPA's IG agrees.

The IG states that the TSD was "highly influential" and therefore had a high bar for peer review that was not met. Further, one of 12 federal climatologists that reviewed it was in fact employed by the EPA. That 's no different than having one of your own colleagues

at your university peer review your manuscript for an academic journal, something that simply isn't done.

The EPA laughably contends that its TSD isn't "highly influential science", because it used information from other federal and international compendia, like the problematic United Nations report, which were properly peer reviewed. This is risible; the UN solicits peer review and then its own authors decide which (easy) comments to respond to and which (pesky) ones to ignore.

If something, like the TSD, which will be used as the excuse to tell everyone what kind of light bulb they can burn isn't "highly influential", then what is?

But weren't there other reviewers? What of the reams of comments that wonks like me sent in? Isn't that evidence for a very vigorous review process? Unfortunately, no. The EPA was under no obligation to address any comment from anyone who wasn't a member of their Gang of 12.

The policy implications of the IG's report are probably not as staggering as advocates opposed to the Endangerment Finding make it out to be. While many outside commenters complained that the science in the TSD (and the federal compendium that was used in its construction) was so bad that the peer-review process had to have been systematically compromised, the IG merely disagrees with the process and takes no position on the science.

Surely some petition will be presented in some court to require the EPA to re-submit the TSD to a broader review as a requirement before it can enforce carbon dioxide regulations. Unfortunately, all this requirement will likely do is delay them for a year or so. There are legions of federal climatologists to choose from, all dependent upon the global warming dole for career advancement. Getting the right review has never been a problem for alarmist climate science.

Perhaps the prospective petitioners could stipulate that the future reviewers not have any funds in the global warming game, but that would create a logical dilemma. The reigning myth is that federal money is the seal of professional accomplishment, so those not on this dole must be incompetent.

The IG's finding brings to light, yet again, the problems that occur when science is funded like Canadian health care, by a single provider. Until we somehow diversify the funding base for climate science, flapdoodles like the EPA's peer-review problem will continue to repeat, and the erosion of the public's faith in climate science will continue unabated.