

Judge Orders EPA to Produce Science behind Pruitt's Warming Claims

The EPA head has suggested humans are
not the main cause of climate change

By Scott Waldman, E&E News on June 5, 2018



Credit: Andrew Harrer Getty Images

EPA must produce the opposing body of science Administrator Scott Pruitt has relied upon to claim that humans are not the primary drivers of global warming, a federal judge has ruled. The EPA boss has so far resisted attempts to show the science backing up his claims. His critics say such evidence doesn't exist, even as Pruitt has called for greater science transparency at the agency.

Now, a court case may compel him to produce research that attempts to contradict the mountain of peer-reviewed studies collected by the world's top science agencies over decades that show humans are warming the planet at an unprecedented pace through the burning of fossil fuels.

Not long after he took over as EPA administrator, Pruitt appeared on CNBC's "Squawk Box," where he was asked about carbon dioxide and climate change. He said, "I would not agree that it's a primary contributor to the global warming that we

see.”

The next day, Public Employees for Environmental Responsibility, or PEER, filed a Freedom of Information Act request seeking the studies Pruitt used to make his claims. Specifically, the group requested “EPA documents that support the conclusion that human activity is not the largest factor driving global climate change.”

On Friday, the chief judge of the U.S. District Court for the District of Columbia, Beryl Howell, ordered the agency to comply.

“Particularly troubling is the apparent premise of this agency challenge to the FOIA request, namely: that the evidentiary basis for a policy or factual statement by an agency head, including about the scientific factors contributing to climate change, is inherently unknowable.”

If the case proceeds, it could mean that Pruitt would have to produce such research in the coming months or next year.

That’s good news for those fighting the administration’s regulatory rollbacks, because it would demonstrate that the scientific backing of President Obama’s climate policies is solid, said Michael Gerrard, director of the Sabin Center for Climate Change Law at Columbia University.

“I expect the documents will show the scientific case for Pruitt’s claim is not only thin, but positively anorexic,” he said. “They may reveal even greater contacts with the climate denial community than has already been shown.”

Gerrard added, “This could also strengthen the challenges to some of the deregulatory actions by the administration,

showing they have no valid basis.”

Climate scientists have established that the planet is warming at an unprecedented pace because of humanity’s consumption of fossil fuels. Pruitt and other Trump administration officials have questioned those findings but have never produced any research backing up their assertions.

Emails recently released to E&E News under a FOIA request show that in the early days of the Trump administration, officials who reject established climate science were looking for ways to attack it.

David Schnare, a member of Trump’s EPA “beachhead” team, prepared a document in February 2017 that listed administration priorities, including reopening the endangerment finding, which allows EPA to regulate greenhouse gases and is a foundation of many environmental regulations.

Schnare wrote that they would gather a group of researchers who claim humans are not the primary drivers of climate change as part of the effort to pull back the endangerment finding.

“We bring on contractor support (Judith Curry’s group, supplemented by John Christy, Craig Idso, Roger Pielke, and others) to formulate analysis of the science,” he wrote in the detailed plan.

Those are some of the handful of researchers often cited by those who reject mainstream climate science, and each has worked with conservative groups fighting climate regulations. The FOIA case could be the second court case that would force

the Trump administration to produce its version of climate science in a courtroom within the next year.

In the *Juliana v. United States* case—filed in 2015 when Obama was still in the White House—21 young plaintiffs sued the federal government for its policies that could exacerbate climate change, like oil and gas drilling on public lands. As part of the case, the government may be forced to produce research that casts doubt on climate science. The Department of Justice has already quietly reached out to Curry on that case (*Climatewire*, Dec. 4, 2017).

Gerrard said that if either case establishes a lack of solid research contradicting mainstream climate science, it could be used as a legal precedent to attack other Trump-era rollbacks. For instance, he said, Pruitt’s plan to freeze vehicle fuel-efficiency standards put in place by Obama could be weakened if the courts uphold the body of climate science used to craft the standards. What’s more, Gerrard said, if Pruitt claims there is a need for more scientific transparency at EPA, he should show the research he relies upon to reject mainstream climate science.

“Pruitt has gone on a campaign about secret science,” Gerrard said. “Where is his own secret science that refutes findings anthropogenic greenhouses gas are a major problem? Let’s see your cards, Scott.”

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