HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5051
Minority (202) 225–5074

MEMORANDUM

January 30, 2007

To: Members of the Committee on Oversight and Government Reform

From: Chairman Henry A. Waxman

Re: CEQ Documents

This memorandum provides additional information about the documents from the White House Council on Environmental Quality being sought by the Committee.

We know from an *in camera* review of a subset of the documents the Committee is seeking that the White House possesses documents that appear to provide evidence that White House and other Administration officials attempted to inject doubt into conclusions reached by the Environmental Protection Agency about the significance of global warming. The limited subset of documents reviewed by Committee staff indicate that Administration officials sought to edit an EPA report (1) to add "balance" by emphasizing the "beneficial effects" of climate change, (2) to delete a discussion of the human health and environmental effects of climate change, (3) to strike any discussion of atmospheric concentrations of carbon because carbon levels are not a "good indicator of climate change," and (4) to remove the statement that "changes observed over the last several decades are likely mostly the result of human activities." Some of the most questionable edits were urged by Phillip Cooney, a former lobbyist for the American Petroleum Institute who served as chief of staff at the CEQ.

I. BACKGROUND

There have been a number of allegations of political interference by Administration officials in the work of government climate change scientists. In some cases, the allegations have directly implicated your office. Beginning over six months ago, on July 20, 2006, the Committee sought to evaluate these allegations by requesting documents from CEQ related to (1) Mr. Cooney's activities on global warming; (2) CEQ attempts to edit scientific reports on global

warming; (3) CEQ communications with other federal agencies regarding climate change science; (4) CEQ efforts to manage or influence the statements about global warming made by government scientists; and (5) contacts between CEQ and any nongovernmental party related to climate change.[1]

Over the past six months, we have had numerous communications with CEQ about this document request. The Committee initially requested that the documents be provided by August 11, 2006.[2] This deadline was extended to October 2, 2006,[3] and subsequently to October 23, 2006.[4] During this process, CEQ has accommodated the Committee's requests for copies of redacted documents that were previously released under the Freedom of Information Act. But with the exception of fewer than ten documents provided to the Committee yesterday evening, CEQ has refused to produce nonpublic documents to the Committee.

To date, we have made considerable concessions to CEQ to ease compliance with the Committee's request. On August 17, 2006, the Committee agreed to limit the timeframe covered by the request.[5] On August 29, 2006, the Committee agreed to limit the scope of our request to only seven CEQ staff members and officials.[6] On September 20, 2006, we further narrowed the request by eliminating two out of five criteria for documents to be produced from our original July 20, 2006, request.[7] These reductions in scope are significant and have reduced the scope of our request to the minimum necessary to fulfill our oversight responsibilities.

Most recently, the Committee requested that unredacted copies of 39 specific documents be provided by close of business last Thursday, January 25, 2007.[8] These documents were

---

[1] Letter from Chairman Tom Davis and Rep. Henry A. Waxman to James Connaughton, Chairman, Council on Environmental Quality (July 20, 2006).

[2] *Id.*

[3] Email from Jennifer Safavian, Chief Counsel for Oversight and Investigations, House Government Reform Committee, to Ted Boling and Ashley Cohen, Council on Environmental Quality (Aug. 29, 2006).

[4] Letter from Chairman Tom Davis and Rep. Henry A. Waxman to James Connaughton, Chairman, Council on Environmental Quality (Sept. 20, 2006).

[5] Meeting between House Government Reform Committee staff and Council on Environmental Quality staff (Aug.17, 2006).

[6] Email from Jennifer Safavian, Chief Counsel for Oversight and Investigations, House Government Reform Committee, to Ted Boling and Ashley Cohen, Council on Environmental Quality (Aug. 29, 2006).

[7] Letter from Chairman Tom Davis and Rep. Henry A. Waxman to James Connaughton, Chairman, Council on Environmental Quality (Sept. 20, 2006).

[8] Letter from Chairman Henry A. Waxman and Rep. Tom Davis, Chairman, Council on Environmental Quality (Jan. 22, 2007).

specifically identified by reference number and are easily accessible to CEQ staff. Discussions between our staffs indicate that these documents have already been pulled from their files and are ready to be delivered to the Committee. In a letter sent yesterday evening, however, the White House indicated that it would produce only nine of these documents to the Committee.[9]

II. THE SIGNIFICANCE OF THE DOCUMENTS

On October 20, October 27, and November 17, 2006, the Committee staff was permitted to conduct an *in camera* review at CEQ offices of a select subset of the documents the Committee had requested. The documents viewed by the Committee staff comprise only a small part of the information requested by the Committee. These documents did not include, for example, over 10,000 email records that CEQ has identified as potentially responsive to the Committee's request.[10] A review of the full set of responsive documents is necessary for the Committee to reach accurate conclusions about the role played by CEQ and other Administration officials.

Nonetheless, the limited review conducted by the Committee staff confirmed that CEQ possesses — and has failed to produce to the Committee — documents of direct relevance to the Committee's inquiry. According to the notes taken by the staff who reviewed the documents, the White House has documents that appear to contain evidence of a vigorous effort by senior Administration officials to downplay the certainty and negative impacts of global warming.

Many of the documents reviewed by the Committee staff involved White House and interagency review during 2003 of a draft EPA document entitled *Report on the Environment*. This draft report contained a discussion of the dangers global warming posed for human health and the environment. The release of EPA's conclusions would have put the Administration on record as recognizing the prevailing scientific consensus on global warming. This would have been a significant milestone in the public debate about global warming.

The documents provide evidence, however, that White House and agency officials repeatedly pushed to undermine EPA's scientific conclusions about global warming during the review process. The Office of Management and Budget commented that EPA's climate change section "needs balance. Global climate change has beneficial effects as well as adverse impacts."[11] OMB also suggested striking a discussion of climate change from the executive

---

[9] Letter from James Connaughton, Chairman, Council on Environmental Quality, to Chairman Henry A. Waxman and Rep. Tom Davis (Jan. 29, 2007).

[10] *Id.*

[11] Committee Staff Notes, Document Numbered ARMS 16, Attachment 1 (EPA Draft Report on the Environment).

summary.[12] The White House Office of Science and Technology Policy urged deletion of a discussion of the human health and ecological effects of climate change.[13] One CEQ staffer urged EPA to "delete climate change or use previously agreed upon material."[14] The Department of Energy argued through the White House that EPA should strike any discussion of atmospheric concentrations of carbon, arguing that it was not a "good indicator of climate change."[15]

Another Administration commenter cautioned: "Take care here and be sure to be consistent with existing administration policy. Let us try to avoid another CAR scenario."[16] This was a reference to the Climate Action Report (CAR) prepared by the U.S. State Department, which had concluded that human activities are "causing global mean surface air temperature and subsurface ocean temperature to rise."[17] President Bush had distanced himself from the Climate Action Report by referring to it as "the report put out by the bureaucracy."[18]

There are many examples in the documents of edits requested by the White House that seem to minimize the impacts of climate change or inject unjustified doubt into the issue. One OMB set of edits contains many deletions from the EPA text, including a deletion of a reference to the fact that climate change may "alter regional patterns of climate" and "potentially affect the balance of radiation."[19] Other edits deleted the phrase "changes observed over the last several decades are likely mostly the result of human activities" and replaced it with the phrase "a causal link between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established."[20]

---

[12] Committee Staff Notes, Document Numbered WH 19 (EPA Draft Report on the Environment).

[13] Committee Staff Notes, Document Numbered ARMS 23, Attachment 1 (EPA Draft Report on the Environment).

[14] Committee Staff Notes, Document Numbered ARMS 34 (EPA Draft Report on the Environment).

[15] Committee Staff Notes, Document Numbered ARMS 39, Attachment 5 (EPA Draft Report on the Environment).

[16] Committee Staff Notes, Document Numbered ARMS 39, Attachment 18 (EPA Draft Report on the Environment).

[17] U.S. State Department, *U.S. Climate Action Report* (2002).

[18] *President Distances Himself From Global Warming Report*, New York Times (June 5, 2002).

[19] Committee Staff Notes, Document Numbered ARMS 69, Attachment 2 (EPA Draft Report on the Environment).

[20] Committee Staff Notes, Document Numbered WH 15 (EPA Draft Report on the Environment).

Among the documents reviewed *in camera* were copies of some handwritten notes by Phillip Cooney, who was the CEQ chief of staff. Although Mr. Cooney was a former oil industry lobbyist, not a scientist, he made several technical scientific changes to the draft report. He inserted the claim that satellite data disputes global warming,[21] and he deleted the statement that "regional patterns may be altered" by climate change.[22]

Mr. Cooney also struck climate change from a discussion of environmental issues that have global consequences,[23] deleted a chart depicting historical temperature reconstruction,[24] and inserted the word "potentially" in several places to reduce the certainty of scientific statements regarding the impacts of climate change.[25] Another set of Mr. Cooney's edits deleted the phrase "climate change has global consequences for human health and the environment,"[26] struck a reference to the observation that the warmest eight years on record have occurred between 1990 and 2001,[27] and excised a reference to the National Research Council's finding that human activities are causing temperatures to rise.[28]

One note from Mr. Cooney directed, "these changes must be made."[29]

In another document, Mr. Cooney informs Kevin O'Donovan in the Executive Office of the President that CEQ will start to use a paper by Willie Soon and Sally Baliunas to rebut the views of the National Academy of Sciences and Intergovernmental Panel on Climate Change and assert that the 20th century is probably not the warmest nor a uniquely extreme climatic period of the last millennium. In the document, Mr. Cooney states that he has put a reference to this paper

---

[21] Committee Staff Notes, Document Numbered WH 6 (EPA Draft Report on the Environment).

[22] Committee Staff Notes, Document Numbered WH 6 (EPA Draft Report on the Environment).

[23] Committee Staff Notes, Document Numbered WH 6 (EPA Draft Report on the Environment).

[24] Committee Staff Notes, Document Numbered WH 6 (EPA Draft Report on the Environment).

[25] Committee Staff Notes, Document Numbered WH 6 (EPA Draft Report on the Environment).

[26] Committee Staff Notes, Document Numbered WH 5 (EPA Draft Report on the Environment).

[27] Committee Staff Notes, Document Numbered WH 5 (EPA Draft Report on the Environment).

[28] Committee Staff Notes, Document Numbered WH 5 (EPA Draft Report on the Environment).

[29] Committee Staff Notes, Document Numbered WH 6 (EPA Draft Report on the Environment).

into EPA's draft report.[30] The Soon-Baliunas paper was the focus of considerable criticism. It had been funded by the American Petroleum Institute and the editor-in-chief of the journal that published the paper resigned in its aftermath, believing the paper was fundamentally flawed and never should have been published.[31]

One email indicates that CEQ Chairman James Connaughton was personally involved in the review of the EPA report. In this email, Mr. Connaughton requested to know every edit made to the EPA draft report and whether EPA was able to accept the edit or suggest an alternative.[32]

These edits resulted in an EPA memo in June 2003, in which EPA staff described three options from which the EPA Administrator could choose. Option 1 was for the EPA Administrator to accept the CEQ and OMB edits. While EPA staff noted this was the "easiest" course of action, they also cautioned that "EPA will take responsibility and severe criticism from the science and environmental community for poorly representing the science."[33] The EPA staff warned that the edited report "undercuts" the National Research Council and the Intergovernmental Panel on Climate Change.[34] According to the EPA staff, the edited report "provides specific text to attack" and creates the "potential to extend the period of criticism."[35]

The second option that EPA staff outlined for the EPA Administrator was to remove the climate change section entirely from the report. The benefits of this approach, according to EPA staff, were that it would provide "little content for attacks on EPA's science" and it "may be the only way to meet both WH and EPA needs."[36] EPA staff expressed concern that "EPA will take criticism for omitting climate change" from the report.[37]

---

[30] Committee Staff Notes, Document Numbered WH 18 (EPA Draft Report on the Environment).

[31] *Three Journal Editors Resign Over Paper by Skeptics, Journal Editors Resign in Protect Over Flaws in Paper by Skeptics*, Cox News Service (July 29, 2003).

[32] Committee Staff Notes, Document Numbered ARMS 34 (EPA Draft Report on the Environment).

[33] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

[34] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

[35] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

[36] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

[37] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

Finally, EPA staff described a third option for consideration. The EPA Administrator could refuse to accept the White House's "no further changes" direction and try to reach compromise.[38] EPA staff seemed to prefer this approach, stating that it was the "only approach that could produce a credible climate change section" in the *Report on the Environment*.[39] However, they warned, this course of action could "antagonize the White House" and "it is likely not feasible to negotiate agreeable text."[40]

In the end, EPA elected option 2 and deleted discussion of climate change from the report.[41]

The majority of documents reviewed by Committee staff related to the draft EPA report. But other documents reviewed by the staff suggested that White House officials acted in other contexts in ways that impeded public understanding of the threat of climate change. Some of the documents Committee staff reviewed involved the development of the Administration's Asia-Pacific Partnership on Clean Development and Climate. At least one of these documents alludes to the goal of superseding the mandatory reductions in global warming gases prescribed under the Kyoto Protocol with voluntary pollution reductions.[42]

In addition, documents independently obtained by the Committee provide evidence that the White House sought to oversee the statements made by federal climate change scientists to the media. According to a set of internal emails from the National Oceanographic and Atmospheric Administration, CEQ approved and monitored press interviews for specific climate change scientists in 2005. In these email exchanges, CEQ and the White House Office of Science and Technology Policy gave the "green light" for a media interview with a NOAA scientist, but required NOAA staff to "monitor the call and report back."[43]

---

[38] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

[39] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

[40] Committee Staff Notes, Document Numbered WH 22 (EPA Draft Report on the Environment).

[41] *Report by EPA Leaves Out Data on Climate Change*, New York Times (June 19, 2003).

[42] Committee Staff Notes, Document Numbered CEQ 35 (Asia-Pacific Partnership).

[43] Email from Jana Goldman to Kent Laborde (11:09 a.m., June 13, 2005); Email from Jana Goldman to Kent Laborde (1:05 p.m., June 13, 2005).

III. CONCLUSION

Many experts regard global warming as the most significant environmental threat facing the nation and the world. The challenges of confronting global warming are immense, with potentially enormous health, environmental, and economic consequences. For these reasons, both Congress and the American public need access to the best possible science from federal agencies to understand the nature of the problem and to assess appropriate policy responses. It would be a serious matter if any Administration officials, particularly officials in the White House, sought to manipulate the science of global warming or to otherwise mislead Congress or the public about the magnitude of potential threat.

The documents the Committee has requested are essential to our investigation into this issue. Even the limited subset of documents that the staff have reviewed raise serious questions about the actions of CEQ staff and others in the White House. Both these documents and the others we have requested should be provided to the Committee without further delay.