



OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

December 9, 2009

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460-2403

Dear Administrator Jackson:

Recent revelations that climate change scientists have altered, manipulated and destroyed data validate concerns I voiced to Administrator Johnson last year.<sup>1</sup> The fact that many of these scientists played leading roles in the preparation of the United Nations' Intergovernmental Panel on Climate Change (UNIPCC) reports should give the EPA significant pause in its march down the path of regulating the activities of virtually every business and farm in the country.

Therefore, I request that the EPA immediately withdraw the *Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act* (Endangerment Finding), the proposed *Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards* rule, and the proposed *Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring* rule (Tailoring Rule) until the EPA can definitively demonstrate the science and underlying data forming the basis for these actions is valid, uncompromised and replicable.

The disclosure of potentially fraudulent and criminal behavior requires that the EPA conduct an independent and public review of the science prior to implementing these findings and regulations. It would be unconscionable for the EPA to ignore what appear to be systematic attempts by certain scientists to achieve preordained results, as well as efforts by the same scientists to discredit and censor others who reached conclusions differing from official UNIPCC dogma.

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<sup>1</sup> November 25, 2008, Letter to Administrator Stephen L. Johnson regarding Advanced Notice of Proposed Rulemaking on Regulating Greenhouse Gases under the Clean Air Act.

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Using uncertain and highly questionable science to institute volumes of onerous new regulations on employers who have never before been subject to EPA regulation is unprecedented and shows a real disregard for the preservation of American jobs, as well as families and businesses struggling to make ends meet.

As stated in the proposed Endangerment Finding, the EPA "relied most heavily on the major assessment reports of both the Intergovernmental Panel on Climate Change (IPCC) and the U.S. Climate Change Science Program (CSSP). EPA took this approach rather than conducting a new assessment of the scientific literature."<sup>2</sup>

I vehemently disagree that these reports ever provided sufficient legal basis for the EPA to find that natural gases, such as carbon dioxide, present any danger to public health or welfare. Further, the EPA most certainly cannot continue to rely on them, given the strong probability that the reports provide an incomplete review of the scientific literature and are likely underpinned by manipulated data and calculations that cannot be independently replicated. Put another way, the EPA sought to make its case on these now-discredited reports, rather than performing its own independent scientific analysis and literature review, in order to quickly force these regulations onto the American people. To regain the trust of the American people and send a strong message against falsifying scientific data, the EPA should now withdraw the proposed finding and rules.

A complete public release and independent scientific review of the raw data compromised by unethical scientists is now critical in order for the scientific community and public policy makers to understand how it was manipulated to manufacture a preordained result. The EPA must also explain if and how this manipulated data affects other data sets or analyses. Failure to do so will almost certainly result in lengthy judicial appeals of the findings and rules, efforts in which states like Texas may well aggressively participate.

Whether through cap and trade legislation pending in the U.S. Senate or through EPA mandates, the regulation of carbon dioxide emissions will impose a massive and devastating cost on U.S. jobs and our economy, particularly harming energy-producing states like Texas. It is unacceptable to risk the livelihood of hundreds of thousands of hardworking Texans and cause massive price increases in electricity, natural gas and gasoline without first demonstrating, beyond a doubt, that the science underlying these actions is uncompromised.

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<sup>2</sup> Proposed Endangerment and Cause and Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act, Fed. Reg. 18886, 18894 (proposed August 24, 2009).

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There is no compelling reason for the EPA to continue on its current, expedited path, given that the Supreme Court made it clear in *Massachusetts v. EPA* that the agency has no deadline to determine whether or not carbon dioxide poses a threat to the public. Furthermore, the Supreme Court decision clearly allows the EPA to decline to regulate greenhouse gases "if the scientific uncertainty is so profound that it precludes EPA from making a reasoned judgment," a condition that clearly exists today.<sup>3</sup> Additionally, the EPA admitted in the Tailoring Rule that Congress never intended for carbon dioxide to be regulated through the Clean Air Act, hence the necessity of the questionable legal gymnastics performed in the justification for that rule.

Finally, I note that the EPA's own data shows that Texas' carbon dioxide emissions have fallen more than nearly every other state this decade. This decrease is a by-product of Texas' regulatory and legal environment, which has allowed more wind power to be constructed than any other state. We have also attracted new, clean, low-emission power generation to displace older, inefficient generation, reducing emissions through flexible and science-based permitting and monitoring.

Rather than making it more difficult to produce domestic energy and build new facilities that provide good jobs for our citizens, the EPA and other federal agencies should focus on streamlining the regulatory process and removing barriers for air permits. This would allow the replication of Texas' economic, energy and clean air successes in other states.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, slightly slanted style.

Rick Perry  
Governor

RP:blp

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<sup>3</sup> *Massachusetts v. EPA*, 549 U.S. 497, 533 (2007).