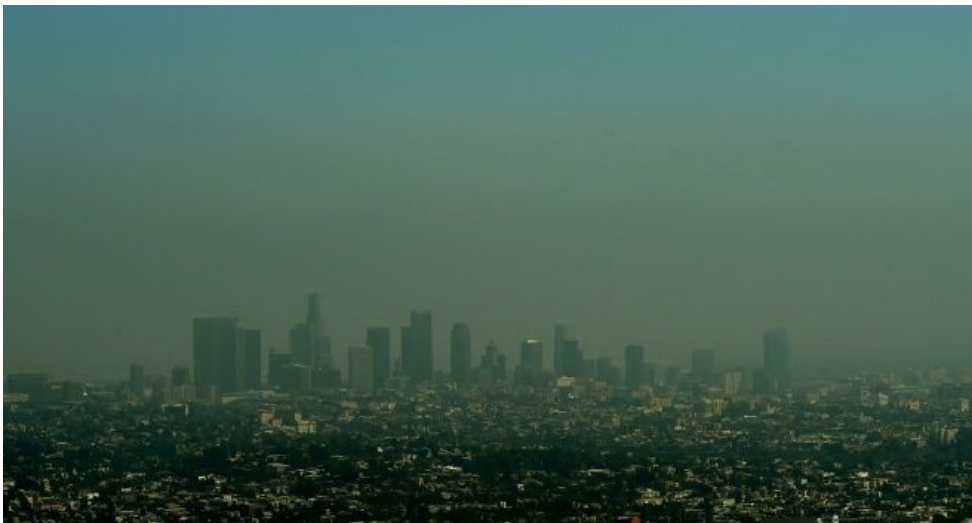


# White House memo threatens EPA climate finding

BY KAREN GRAHAM MAY 14, 2019 IN POLITICS

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Hard-line foes of climate action on Monday once again asked the Trump Administration to reverse the landmark Obama-era finding that greenhouse gases are a danger to human health and the environment.






The recent update from the White House budget office - quietly issued as a **Trump administration memo April 24, 2019**, consisted of redefined guidelines for the disseminating of scientific information for policy purposes.

Seizing on the opportunity the memo presented, a group of fossil fuel promoters called the Competitive Enterprise Institute (CEI), a conservative Washington, D.C., think tank immediately filed a petition with the U.S. Environmental Protection Agency (EPA), seeking to block the agency from continuing to use the so-called "endangerment finding" adopted by the agency in 2009 as a basis for policymaking.

**The petition** asks the "EPA to determine that its 2009 GHG Endangerment Finding and supporting Technical Support Document (TSD) do not meet the requirements of the Information Quality Act."

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EPA's Andrew Wheeler is a former coal lobbyist.

EPA

The petition goes on to say, "As discussed at the end of this document, EPA's Inspector General found many of these deficiencies in a 2011 report to the agency. EPA's response to those findings was inadequate, and those inadequacies are even more obvious in light of OMB's latest guidelines."

### The "endangerment finding"

In 2009, the U.S. Environmental Protection Agency (EPA) issued its science-based finding that the buildup of heat-trapping greenhouse gases in the atmosphere endangers public health and welfare. The "Endangerment Finding" reflects the overwhelming scientific evidence on the causes and impacts of climate change. It was made after a thorough rulemaking process considering thousands of public comments and was upheld by the federal courts.

Most of President Barack Obama's climate agenda was based on the Endangerment Finding, providing the legal basis for his administration's actions to curb emissions from power plants and motor vehicles. The decision was helped by the landmark [2007 Supreme Court ruling in Massachusetts v. EPA](#) ruling. The Supreme Court determined that emissions of greenhouse gases are air pollutants subject to regulation under the Clean Air Act.



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US President Barack Obama, pictured on August 3, 2015, said, "No challenge poses a greater threat to our future and future generations than a change in climate"

Jim Watson, AFP

And even today, the EPA's Endangerment Finding **law obligates the agency to curb pollutants** that endanger public health and welfare, including by contributing to climate change, and this is something the Trump Administration and in particular, the EPA has blatantly refused to do over the past two years.

What is really interesting in the CEI petition is that the OMB memo is cited, noting that the April 24 guidance sets a 120-day deadline for an agency to answer, and directs a "point-by-point" response is required and gives the OMB a role in the process.

**According to Bloomberg**, climate regulation supporters are worried the move could open the door for the Trump administration, which has routinely denied climate science, to undercut the EPA's finding that greenhouse gas emissions endanger public health and welfare.

### **Another indicator of government instability**

CEI is arguing the scientific peer review done in 2009 did not meet the government's legal data quality requirements under guidelines expanded on April 24 by Trump's Office of Management and Budget. "So you can believe in global warming, all the things that the IPCC [Intergovernmental Panel on Climate Change] says, and still agree with us that the peer review process was improper," said Devin Watkins, a CEI lawyer.



Air pollution causes thousands of premature deaths

BEN FATHERS, AFP/File

The biggest danger is not whether the CEI could ever win a challenge like this in a court of law, but just how far the Trump administration will go in allowing requests for correction to look backward to decisions that have been legally settled.

Andrew Rosenberg, director of the Center for Science and Democracy at the Union of Concerned Scientists says, The endangerment finding “has been adjudicated,” referring to court cases that have upheld the EPA’s authority to regulate greenhouse gases and thrown out challenges to the climate finding itself.

If the administration allows requests for correction to look backward to decisions that have been legally settled, “it means we have a totally unstable government,” he added. “Nobody ever knows whether decisions have any staying power.”

CEI is **funded by donations** from individuals, foundations, and corporations. Donors to CEI include a number of companies in the energy, technology, automotive, and alcohol and tobacco industries.

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