



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL - 6 2009

THE ADMINISTRATOR

The Honorable John Barrasso
Ranking Member
Subcommittee on Oversight
Senate Committee on Environment and Public Works
Washington, DC 20510

Dear Senator Barrasso:

Thank you for your letter of June 30, 2009. I am happy to respond to your questions.

Question 1: Do you believe that the process governing the development and review of the proposed endangerment finding reflects the Agency's, and this Administration's, commitments to transparency and scientific integrity, as outlined in your April 23rd and May 9th memos?

Response: Yes, I do. With regard to transparency: When, the week before last, I learned that the EPA employee whom you mention in your letter felt that his memorandum had not received enough circulation, I instructed my staff to inform him that he should feel free to circulate the memorandum as broadly as he wished. I am not aware that the author sought permission to publish the document at any prior juncture. With regard to scientific integrity: My understanding is that the primary concerns and opinions featured in the memorandum that you discuss did reach the EPA staff charged with developing the proposed findings on endangerment and contribution. Moreover, EPA has received more than 315,000 comments on the proposed findings. I am confident that by the time EPA takes any final action on the proposal, the staff charged with preparing final action will have seen every opinion that anyone has to offer on the subject. In accordance with the procedural requirements of the Clean Air Act, EPA will consider the public comments, and the notice of any final EPA action on the proposed findings will include a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations during the comment period.

Question 2: How can you ensure that the Agency's rulemakings will be based on the best available, and most up-to-date, scientific data? What process will you develop to make this happen?

Response: EPA has effective processes in place to ensure that the agency draws upon the most up-to-date and reputable scientific data. EPA's processes are strong, credible and effective. The agency's process for assessing and summarizing the climate science in support of the proposed findings focused on leveraging scientific efforts which have undergone the most rigorous levels

of review. My commitment to you is that we will draw on scientific syntheses that have been fully vetted for our work and not cherry-pick from the hundreds of studies published each year. It is critical that EPA weigh the entire evidence of scientific literature and not limit itself (or overreact) to individual studies that have not yet been fully vetted by a broader scientific review process. All of the agency's scientific assessments will continue to be subject to public review and comment consistent with statutory requirements.

Question 3: The NAAQS review process requires a five-year review to assess the latest scientific data on criteria pollutants. Would you consider implementing a similar process to review the scientific data supporting the endangerment finding?

Response: I support scientific review and updating where feasible and would be happy to consider processes that are consistent with EPA's statutory responsibilities. The statutory requirements that govern EPA's establishment and revision of national ambient air quality standards are different from the statutory requirements that govern EPA's findings on endangerment and contribution.

Question 4: In an effort to resolve the uncertainties documented in the report mentioned above, will you commit to resolve the Proposed Endangerment Finding solely on the record of the scientific evidence, utilizing the procedures of APA sections 556-557?

Response: Congress has mandated that EPA use the procedures of Clean Air Act section 307 rather than APA sections 556-557. In accordance with section 307, EPA will ensure that any final rule is based only on information and data – including, of course, scientific information and data – that has been placed in the rulemaking docket.

Thank you again for your letter. If you have further questions, please contact me, or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at 202-564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', written in a cursive style.

Lisa P. Jackson