


investigations are in addition to what the British Information Commissioner's Office (ICO) has already publicly said: "requests under the Freedom of Information Act were not dealt with as they should have been under the legislation. Section 77 of the Freedom of Information Act makes it an offence for public authorities to act so as to prevent intentionally the disclosure of requested information."²⁰⁵ But the ICO's inquiry continues because the commissioner is reviewing whether the British Freedom of Information Act needs to be revised in light of the CRU's refusal to disclose public information.²⁰⁶

X. CONCLUSION

Since the CRU emails first appeared on the Internet in November, 2009, there has been a parade of controversies as new examples of improprieties and erroneous information are revealed to the public. Because the Administrator chose to rely on assessments by the IPCC, USGCRP, and the NRC—the latter two of which this petition has shown relied on the IPCC—as the primary scientific and technical basis for her Endangerment Finding, the Administrator's decision is of central relevance to the Endangerment Finding within the meaning of Chapter 307 of the Clean Air Act. Thus, in light of the serious misconduct the State has demonstrated—data manipulation, loss or destruction of information, reliance on questionable source materials, abuse of the peer review process, suppression of dissent, conflicts of interest, and failure to comply with freedom of information laws—the EPA should grant this petition and reconsider the Endangerment Finding. Granting this petition would be consistent with actions taken by governments worldwide to assess problems afflicting the IPCC and it would further allow the agency to conduct its own scientific assessment, independently consider the available scientific information, and then, in the *Administrator's own judgment*, make a determination that is supported by the law and facts.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas


C. ANDREW WEBER
First Assistant Attorney General
Post Office Box 12548
Austin, Texas 78711-2548
(512) 463-2191 (Telephone)
(512) 936-0545 (Facsimile)
Andrew.Weber@oag.state.tx.us
ATTORNEYS FOR PETITIONERS

²⁰⁵ Email from the Information Commissioner's Office Press Office to Jonathan Leake, The Times of London, January 22, 2010, available at <http://www.docstoc.com/docs/23993708/Climate-Email> (last visited Feb. 16, 2010).

²⁰⁶ *Id.*