

the century.⁸⁵ The raw data showed much less warming because it started with actual (i.e., non-manipulated) temperatures that were warmer than the manipulated temperatures.⁸⁶ Thus, the CRU created an exaggerated appearance of 20th century warming in New Zealand.

2. LOSS OR DESTRUCTION OF CRITICAL IPCC RECORDS

The CRU's data integrity problems consisted of more than data manipulation. CRU admitted in late November 2009 that much of their original data had been destroyed due to lack of storage space.⁸⁷ CRU claims that they retained only the "value added" data⁸⁸ – i.e., "quality controlled and homogenized" data or, put differently, data that has been manipulated and that is therefore no longer raw. Consequently, it is no longer possible to check the accuracy of whether CRU's "homogenization" – i.e., the synthesis of one set of data that appears to lead to a conclusion that would conflict with the conclusion suggested by other data of data – was appropriate.⁸⁹ However, even if CRU still has some data, it is sometimes unwilling to produce it, regardless of whether it is required to do so by law.⁹⁰

Of course, emails indicating that CRU scientists and programmers were unable to follow data does not absolve CRU: on the contrary, it is damning evidence that the IPCC and, in turn, EPA cannot rely on CRU data and analysis. As noted above, some CRU scientists manipulated data to produce their desired conclusions about the severity of anthropogenic global warming. However, revelations that CRU data was destroyed, lost, or simply withheld indicate a different, but equally serious, problem: that the data can neither confirm nor deny how quickly, how far, for how long, or even, in some cases, whether, temperatures have risen. As such, CRU data that might not be purposefully misleading could still be scientifically worthless and, therefore, of no legitimate use to EPA.

B. IPCC'S ROUTINE RELIANCE ON QUESTIONABLE SOURCE MATERIALS

1. CONCLUSIONS ON GLACIERS ADMITTEDLY WRONG

In its Fourth Assessment, the IPCC concluded that "[g]laciers in the Himalaya are receding faster than in any other part of the world. . . and, if the present rate continues, the likelihood of them disappearing by the year 2035 and perhaps sooner is very high if

⁸⁵ Richard Treadgold. *Are we feeling warmer yet?* NEW ZEALAND CLIMATE SCIENCE COALITION at 5 (Nov. 25, 2009) available at http://climatescience.org.nz/images/PDFs/global_warming_nz2.pdf. (last visited Feb. 10 2010).

⁸⁶ *Id.*

⁸⁷ Jonathan Leake. *Climate change data dumped.* THE TIMES (Nov. 29, 2009). Found at: <http://www.timesonline.co.uk/tol/news/environment/article6936328.ece> (last visited Feb. 10, 2010).

⁸⁸ CRU Data Availability. available at <http://www.cru.uea.ac.uk/cru/data/availability/>.

⁸⁹ *Id.*

⁹⁰ See, e.g., Steve McIntyre. *Willis Eschenbach's FOI Request.* CLIMATE AUDIT (Nov. 25, 2009) available at <http://www.timesonline.co.uk/tol/news/environment/article6936328.ece> (last visited Feb. 10, 2010) (discussing the experience of a scientist named Willis Eschenbach who attempted to obtain station data for average global temperature from CRU but endured a year of CRU's excuses and explanations for its failure to produce the requested information).