

been plugged up now w/ new editorial leadership there.”¹⁴⁵ According to Professor Michaels, the offending editor was Yale University’s James Saiers, whose departure from the journal coincided with Mann, Wigley, and Dr. Jones’s plan to ‘get him ousted.’¹⁴⁶

Clearly, these scientists’ efforts to exclude so-called skeptics’ studies from journal publication are indicative of a serious breach of objectivity and scientific propriety. And an email from Dr. Jones to Michael Mann unquestionably reveals that their improper conduct spilled over into their involvement with the IPCC and unquestionably tainted the IPCC report. Shortly after Dr. Jones and Kevin Trenberth of the National Center for Atmospheric Research were named joint lead author’s of IPCC’s Working Group I, Chapter 3, Dr. Jones emailed Mann about two Canadian researchers who questioned the veracity of man-made global warming. In that email, Dr. Jones wrote: “I can’t see either of these papers being in the next IPCC report.” Further, he said: “Kevin and I will keep them out somehow—even if we have to redefine what the peer-review literature is!”¹⁴⁷

D. CONFLICTS OF INTEREST BETWEEN THE IPCC AND SOME WHO PROFIT FROM ITS CLIMATE CHANGE CONCLUSIONS

In response to public comments suggesting that the Administrator should have included studies that disagreed with the Endangerment Finding, EPA notes that “IPCC, USGCRP/CCSP, and NRC make considerable effort to ensure that their assessment reports reflect a balance of perspectives regarding the state of the science.”¹⁴⁸ To support that response, EPA quotes a National Academies report noting that the NRC screens all “provisional committee members . . . in writing and in a confidential group discussion about possible conflicts of interest. . . .[N]o individual can be appointed to serve (or continue to serve) on a committee of the institution used in the development of reports if the individual has a conflict of interest that is relevant to the functions to be performed.”¹⁴⁹ Thus, EPA identifies the National Academies’ prohibition on conflicts of interest as a means of ensuring that the Endangerment Finding is balanced and unbiased.

The Chair of the IPCC probably has, and certainly appears to have, several conflicts of interest.¹⁵⁰ For example, Dr. Pachauri is the director of The Energy and Resources

¹⁴⁵ Email from Michael Mann to Phil Jones and Phil Osborn, November 15, 2005, available at: <http://www.eastangliaemails.com/emails.php?eid=591&filename=1132094873.txt> (last visited Feb. 16, 2010).

¹⁴⁶ See Patrick J. Michaels, *How to Manufacture Climate Consensus*, WALL STREET JOURNAL (December 17, 2009).

¹⁴⁷ Email from Phil Jones to Michael E. Mann, July 8, 2004, available at: <http://www.eastangliaemails.com/emails.php?eid=419&filename=1089318616.txt> (last visited Feb. 16, 2010).

¹⁴⁸ *Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act: EPA’s Response to Public Comments*, Volume I at 3.

¹⁴⁹ *Id.* (quoting *Our Study Process: Ensuring an Objective Voice*, National Academies, 2006 at 3).

¹⁵⁰ In a 2009 meeting of the IPCC Bureau (the governing body of the IPCC that provides guidance during the preparation of the IPCC assessment reports), the Chair of the IPCC, Dr. Rajendra Pachauri, “recalled the role of IPCC procedures in guaranteeing a proper code of conduct in IPCC activities. Any possible conflict of interest should be made clear at the outset of the process.” Report of the 39th Session of the

Institute (“TERI”), an organization that was awarded over \$4 million in grants for research on the melting of glaciers; that research was premised on an inaccurate claim that the Endangerment Finding cited and endorsed, and which was made by TERI’s head of glaciology.¹⁵¹ Furthermore, Dr. Pachauri serves on a number of boards and maintains business interests in industries that are or will be affected by policies that are based on IPCC conclusions about climate change. TERI gained a financial interest in GloriOil, a Texas firm specializing in oil extraction technology that extends the useful life of an oil field, by granting GloriOil permission to use an oil-extraction method developed at TERI.¹⁵² Perhaps even more egregious is Dr. Pachauri’s employment as President of TERI-NA, a non-profit firm funded by the UN, Amoco, American defense contractors, Monsanto, and carbon traders to lobby “sensitive decision-makers in North America to developing countries’ concerns about energy and the environment.”¹⁵³ Dr. Pachauri is also on the board of Siderian, a venture capital firm investing in sustainable technologies. He is also an adviser on renewable and sustainable energy to Credit Suisse bank and the Rockefeller Foundation.¹⁵⁴ Among his other private activities related to his work as IPCC chair, Dr. Pachauri has earned hundreds of thousands of dollars in consulting fees (paid to TERI) from Deutsche Bank, Credit Suisse, and Yale University.¹⁵⁵

These conflicts of interest violate the standards of conduct that the Dr. Pachauri himself has prescribed for the IPCC. In so doing, Dr. Pachauri’s conflicts of interest weaken the Endangerment Finding. Dr. Pachauri’s conflicts of interest indicate that the IPCC is being led toward a conclusion that climate change is a dire threat to the planet that must be reversed; a conclusion that would enrich Dr. Pachauri and the entities that employ him. Consequently, EPA has relied on an assessment that ensures bias and imbalance, a result that EPA claims to want to avoid.

IPCC Bureau (2009) at 10, available at <http://www.ipcc.ch/meetings/bureau-sessions/bureau39rep.pdf> (last visited February 16, 2010).

¹⁵¹ Christopher Booker and Dean Nelson *UN climate chief’s research institute won grants after flawed predictions on glaciers*, DAILY TELEGRAPH, Jan. 25, 2010, available at <http://www.telegraph.co.uk/earth/environment/climatechange/7078565/UN-climate-chiefs-research-institute-won-grants-after-flawed-predictions-on-glaciers.html>. (last visited February 16, 2010).

¹⁵² Elisabeth Rosenthal, *Skeptics Find Fault with U.N. Climate Panel*, NEW YORK TIMES, February 8, 2010, available at <http://www.nytimes.com/2010/02/09/science/earth/09climate.html>. (last visited February 16, 2010).

¹⁵³ Christopher Booker and Richard Northwhite. *Questions over business deals of UN climate change guru Dr. Rajendra Pachauri*, DAILY TELEGRAPH, Dec. 20, 2009, available at <http://www.telegraph.co.uk/news/6847227/Questions-over-business-deals-of-UN-climate-change-guru-Dr-Rajendra-Pachauri.html> (last visited February 16, 2010).

¹⁵⁴ Bradley Fike, *Rajendra Kumar Pachauri is More Equal than You*, NC TIMES.COM BLOGS, December 14, 2009, available at <http://www.ncetimes.com/app/blogs/wp/?p=5870> (last visited Feb. 15, 2010).

¹⁵⁵ Elisabeth Rosenthal, *Skeptics Find Fault with U.N. Climate Panel*, NEW YORK TIMES, February 8, 2010, available at <http://www.nytimes.com/2010/02/09/science/earth/09climate.html>. (last visited February 16, 2010).