



NCBA files petition for reconsideration and stay of EPA's endangerment finding

By Agri-Pulse Staff

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Washington, Feb. 12 – The National Cattlemen's Beef Association (NCBA) is petitioning the U.S. Environmental Protection Agency (EPA) to reconsider its finding that human-caused greenhouse gas (GHG) emissions are an endangerment to public health and welfare ("endangerment finding"). The petition, filed Thursday by NCBA and other members of the "Coalition for Responsible Regulation," is based upon information uncovered during the recent "climategate" scandal, which NCBA believes "seriously calls into question the scientific validity behind EPA's finding."

"It's become evident that EPA's endangerment finding may be based on flawed data," said Tamara Thies, NCBA chief environmental counsel. "The fact that EPA did not choose to reconsider its finding after the extent of the climategate scandal was revealed publicly is perplexing to say the least; ignoring climategate will not make it go away."

Since "climategate" wasn't exposed until after the public comment period of the endangerment proposed rule had expired, NCBA and the Coalition are calling on EPA to convene a proceeding for reconsideration, and stay any further regulatory actions or rulemakings based upon the finding until the reconsideration is completed.

"EPA owes it to the American people to be sure a rule of this magnitude is based on accurate information, not fudged or fabricated temperature data," Thies continued. "Not only is the data questionable, but EPA also unlawfully sub-delegated its duties under the Clean Air Act to foreign entities with the clear agenda of promoting the theory of human-caused climate change. It is not lawful for EPA's 'scientific judgment' to be based on foreign alarmist agendas. Reconsideration of this rule is essential to restoring America's trust on this issue."

The petition asks EPA to convene a proceeding for reconsideration to thoroughly reevaluate EPA's heavy reliance upon the Intergovernmental Panel on Climate Change (IPCC) reports which have been called into fundamental question. As part of this proceeding, the petition asks that EPA: prepare a complete and objective record for the reconsideration proceeding which contains all the relevant scientific data, studies, and viewpoints and is "cleansed" of questionable or one-sided data; obtain and fully disclose

all computer programs, data and algorithms used to “homogenize” all temperature records upon which EPA relies; subject the temperature records and programs to an independent review by qualified and objective scientists and statisticians; and determine whether or not there is any statistically valid demonstration of unprecedented global warming over the last century.

Finally, NCBA and the petitioners are requesting a stay of any further regulatory actions or rulemakings which are based upon the endangerment finding until these fundamental requirements of sound science, legal due process, and valid administrative rulemakings are completed.

“Given the recent revelations which seriously call into question the science, legality, and administrative procedures behind EPA’s finding, it would be irresponsible to move forward with this type of regulation – especially given the devastating impacts it would impose on the U.S. economy,” said Thies.

The petition was signed by: NCBA; the Coalition for Responsible Regulation, Inc.; Industrial Minerals Association – North America; Great Northern Project Development, L.P.; Rosebud Mining Company; Massey Energy Company; and Alpha Natural Resources, Inc.

The full petition is available at:

www.beefusa.org/uDocs/Petition-for-Reconsideration.pdf

For coverage of the administration’s view of the seriousness of the climate change threat, go to: www.agri-pulse.com/uploaded/Feb1210H3.pdf.

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