

CLIMATE

Judge gives EPA deadline for studies backing Pruitt's claims

Amanda Reilly, E&E News reporter

Published: Monday, July 2, 2018



EPA Administrator Scott Pruitt in an appearance on CNBC last year said human activity was not a primary driver of climate change. CNBC

A federal judge is giving EPA more time — but not as much as the agency wanted — to search for and produce scientific studies backing Administrator Scott Pruitt's position on climate change.

In her decision Friday rejecting EPA's full request for additional time, Chief Judge Beryl Howell of the U.S. District Court for the District of Columbia admonished the agency for rehashing "already-rejected arguments" and dragging its feet on compliance with the records request.

At issue: Howell's June 1 order that EPA respond to a Freedom of Information Act request filed by Public Employees for Environmental Responsibility seeking records related to comments Pruitt made in a 2017 interview on CNBC's "Squawk Box."

In the interview, Pruitt stated that human activity is not a "primary contributor" to climate change and that "there's tremendous disagreement about the degree of impact" that human activity has on global warming.

PEER filed its request a day after the March 9, 2017, interview aired, seeking both studies upon which Pruitt based his statements and any EPA scientific findings that human activity is not the biggest factor behind climate change.

But Howell found that EPA failed to even begin a search for the records. She ordered EPA to conduct and complete a search for the records that PEER requested by today and to disclose any records it found on a rolling basis ([Greenwire](#), June 4).

EPA, though, last week asked Howell to extend by more than a month her earlier deadlines for producing the records. The agency said it was "taking steps" to comply with the order but that it was still working on a search methodology and that PEER's request was "complicated" ([Greenwire](#), June 27).

In her order Friday, Howell gave EPA 10 extra days to complete a search for records upon which Pruitt based his statements. EPA must produce any nonexempt records by Aug. 1.

"Contrary to this Order, in the last month, EPA advises that no search for records responsive to either part of the FOIA request submitted fifteen months ago has been initiated," Howell wrote.

As for the second part of the FOIA request — that EPA produce any scientific studies supporting the conclusion that humans aren't driving climate change — Howell wrote that the agency's motion for more time was predicated on a "continued mis-reading" of PEER's request.

She ordered EPA to confer with PEER and begin a search for the records by the end of the week.

PEER, which had objected to EPA's bid for more time, today accused EPA of stalling to avoid having to admit in court that "Mr. Pruitt was simply talking out of his hat."

"PEER is more than willing to help EPA search its own database, although one would think a federal agency should be capable of undertaking such a pursuit without needing guidance from a small nonprofit," PEER attorney Paula Dinerstein said. "Perhaps the problem is that EPA has banished all its climate experts and must rely upon staff who have little grasp of the extensive work the agency has done in this field."

Want to read more stories like this?

[Click here](#) to start a free trial to E&E -- the best way to track policy and markets.

ABOUT GREENWIRE – THE LEADER IN ENERGY AND ENVIRONMENT NEWS

Greenwire is written and produced by the staff of E&E News. The one-stop source for those who need to stay on top of all of today's major energy and environmental action with an average of more than 20 stories a day, Greenwire covers the complete spectrum, from electricity industry restructuring to Clean Air Act litigation to public lands management. Greenwire publishes daily at 1 p.m.



E&E News
122 C Street NW 7th Floor Washington, DC 20001
Phone: 202-628-6500 Fax: 202-737-5299
www.eenews.net

All content is copyrighted and may not be reproduced or retransmitted without the express consent of Environment & Energy Publishing, LLC. [Click here](#) to view our privacy policy.