III. OVERSIGHT OF THE BUSH ADMINISTRATION

The Select Committee has pursued aggressive oversight of the Bush Administration's actions relating to climate change and energy security—including review of EPA, the National Highway Traffic Safety Administration, the Department of Energy, the Department of the Interior, and other agencies. In the course of many of these activities, the Committee has uncovered a deeply troubling pattern of delay, obfuscation, and political interference. The next Administration will have a great deal of work to do to correct these problems.

A. EPA'S RESPONSE TO *MASSACHUSETTS V. EPA*

The April 2007 Supreme Court decision in *Massachusetts v. EPA*, 549 U.S. 497 (2007), held—contrary to EPA's position under the Bush Administration—that greenhouse gases are "air pollutants" subject to regulation under the Clean Air Act. The decision required EPA to determine whether greenhouse gas emissions from motor vehicles and fuels cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare (a so-called "endangerment finding"), and if so, to issue regulations addressing such emissions.

On May 14, 2007, President Bush directed EPA, along with other agencies, to prepare proposed rules in response to *Massachusetts v. EPA* by the end of 2007 and to finalize such rules by the end of 2008,[409] a timeline reiterated by EPA Administrator Stephen Johnson at a June 8, 2007 hearing of the Select Committee. This resulted in an extensive interagency process led by EPA to assess whether greenhouse gas emissions from motor vehicles endangered public health or welfare and to develop, in close collaboration with the National Highway Traffic Safety Administration, proposed regulations to reduce such emissions.

In January 2008, Chairman Markey sent a letter to Administrator Johnson requesting that he appear before the Select Committee, and also that he provide a copy of the draft regulations to reduce greenhouse gas emissions that had reportedly been prepared but never formally proposed. Later that month, he reiterated his request in a telephone conversation with the Administrator and also asked that a copy of the draft endangerment finding be provided. Although Administrator Johnson personally agreed to these requests, EPA ultimately refused to provide these documents, stating that to do so would be confusing to the public, would result in the release of "pre-decisional" materials, and would have a "chilling" effect on future EPA deliberations.

Because EPA provided no legally valid reason for withholding documents from Congress, the Select Committee, on April 3, 2008, issued a subpoena, on a bipartisan basis, for the documents. After negotiations with the White House and EPA, Select Committee staff viewed the requested documents on June 20, 2008. In the first half of 2008, Select Committee staff also began an extensive series of on- and off-the-record conversations with current and former EPA officials related to the Agency's response to the *Massachusetts v. EPA* decision—

[409] See President Bush Discusses CAFE and Alternative Fuel Standards (May 14, 2007), at http://www.whitehouse.gov/news/releases/2007/05/20070514-4.html.

including its April 2008 decision to abandon a regulatory response in favor of a non-regulatory Advanced Notice of Proposed Rulemaking (ANPR) that defers action to the next President.[410]

The culmination of these oversight activities was the July 18, 2008 publication of a Select Committee staff report entitled "Investigation of the Bush Administration's Response to *Massachusetts v. EPA*: How Big Oil Persuaded the Bush Administration to Abandon Proposed Regulations for Global Warming Pollution." The main conclusions of the report are as follows:

- There was widespread agreement within the Bush Administration that greenhouse gas emissions from motor vehicles endanger public welfare and should be regulated. EPA additionally concluded that greenhouse gas emissions from stationary sources such as power plants and refineries should *also* be regulated using Clean Air Act authority.

- Numerous heads of Cabinet agencies and White House offices endorsed (i) EPA's finding that greenhouse gas emissions endanger public welfare, and (ii) EPA's proposals that both vehicle and stationary source greenhouse gas emissions should be regulated under the Clean Air Act.

- In keeping with a prior approval from the White House, EPA in December 2007 transmitted to the White House Office of Management (OMB) and budget a draft "endangerment finding" for motor vehicles and fuels. However, OMB subsequently refused to acknowledge receipt of the finding and unsuccessfully pressured EPA to withdraw it.

- Oil industry lobbyists argued against regulatory action with the support of the Office of Vice President Cheney. Doing the oil industry's bidding, the Bush administration then reversed course—deciding to issue a non-regulatory ANPR in lieu of regulations.

By mid-April 2008, President Bush announced in a speech that "the Clean Air Act, the Endangered Species Act, and the National Environmental Policy Act were never meant to regulate global climate change," and went on to assert that Congress, not the Executive Branch, was responsible for deciding how to address greenhouse gas emissions. Appended to the EPA's text of the ANPR released on July 11, 2008 were letters from a number of Cabinet secretaries and heads of White House offices—all of whom had previously supported regulation of both vehicles and stationary sources under the Clean Air Act—embracing the President's and the oil industry's views that the Clean Air Act was a flawed instrument unsuited for regulation of greenhouse gases. The issuance of the ANPR assured that the Bush Administration would take no meaningful action to reduce greenhouse gas emissions despite the Supreme Court's decision in *Massachusetts v. EPA*.

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Recommendations: The 111th Congress and the next Administration should prioritize the following actions:

[410] See, for example, Juliet Eilperin and R. Jeffrey Smith, "EPA Won't Act on Emissions This Year," Washington Post, July 11, 2008, at A1.

- **Endangerment Finding:** EPA should promptly issue a formal "endangerment finding" recognizing that greenhouse gas emissions from motor vehicles and combustion of fuels for onroad and nonroad vehicles and engines—and other appropriate source categories—may reasonably be anticipated to endanger public health and welfare and should be regulated by EPA under the Clean Air Act.

- **Clean Air Act Regulations:** EPA should promptly develop and issue regulations to reduce greenhouse gas emissions from both mobile and stationary sources using Clean Air Act authority, and submit to Congress any recommendations for legislation needed to clarify such authority. Congress should provide aggressive oversight of EPA's implementation of its legal obligations under the Clean Air Act.

B. NHTSA'S IMPLEMENTATION OF FUEL ECONOMY STANDARDS

EISA directed the Department of Transportation, through the National Highway Traffic Safety Administration (NHTSA), to raise fuel economy standards for both cars and light trucks to a fleet wide average of *at least* thirty-five miles per gallon (mpg) in 2020 starting with model year 2011 vehicles. In each model year, NHTSA is additionally directed to require the maximum feasible fuel economy increase.

In setting the maximum feasible increase, NHTSA uses a computer model that compares the costs of incorporating fuel efficient technologies into the projected automotive fleet (using model information provided by automakers) with the benefits of incorporating them (including direct benefits such as the gasoline costs that consumers would not have to spend, and indirect benefits such as the monetized cost of CO_2 emissions that would not occur, or energy security costs that would not have to be borne). Analysis by NHTSA and others has shown that assuming a higher price of gasoline for a given model year has by far the largest impact on how high the maximum feasible standard can be set while remaining economically practicable.

On April 22, 2008, NHTSA issued a proposed rule including proposed standards for model years 2011-2015 which should result in a projected fleetwide average of 31.6 mpg. However, in its proposal NHTSA used the Energy Information Administration's (EIA) 2008 mid-range forecast for gasoline prices that range from $2.42/gallon in 2016 to $2.51/gallon in 2030—well below current prices. NHTSA's reliance on these highly unrealistic projections have the effect of artificially lowering the calculated "maximum feasible" fuel economy standards that NHTSA is directed by law to promulgate.

For modeling purposes only, NHTSA used EIA's higher gasoline price scenario: $3.14/gallon in 2016 to $3.74/gallon in 2030. This analysis demonstrated that fleet wide fuel economy of nearly 35 mpg in 2015 is cost-effectively achievable. Moreover, the Select Committee's investigation into the Bush Administration's response to the *Massachusetts v. EPA* Supreme Court decision (discussed above) also found that when EPA used the EIA 2007 high gasoline price projections of $2.75 in 2017 to $3.20 in 2030 to calculate its proposed automobile tailpipe emissions standards, it found that the car fleet could cost-effectively achieve an effective fuel economy standard of 43.3 mpg by 2018 and light trucks could achieve a standard of 30.6 mpg by 2017.

On June 11, 2008, Guy Caruso, then-Administrator of EIA, testified before the House Select Committee on Energy Independence and Global Warming. During questioning, Administrator Caruso agreed that NHTSA should use EIA's *high* gas price scenario in setting fuel economy standards. However, in a June 27, 2008 Select Committee hearing, the Department of Transportation refused to commit to doing so. On July 29, 2008, Chairman Markey and Congressman Todd Russell Platts introduced H.R. 6643, the "Accuracy in Fuel Economy Standards Act," which would compel NHTSA to take this common sense approach.

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Recommendations: The 111th Congress and the next Administration should prioritize the following actions:

- **Accurate Price Benchmarks for Fuel Economy Standards:** Congress should enact H.R. 6643, the "Accuracy in Fuel Economy Standards Act," to ensure that NHTSA uses the more accurate high gas price scenario developed by EIA when setting fuel economy standards.

- **Oversight of CAFE Implementation:** Congress should continue to aggressively oversee NHTSA's implementation of the fuel economy provisions in EISA, to ensure that NHTSA is using realistic and current assessments not only of projected gasoline prices, but also of the costs of fuel efficient technologies, the types of technologies that are available, the monetized indirect benefits of incorporating fuel efficient technologies, and the types of vehicles that are likely to be part of the automotive fleet.

C. DEPARTMENT OF ENERGY

1. Strategic Petroleum Reserve

As explained above, the Select Committee pursued aggressive oversight of the Department of Energy's management of the Strategic Petroleum Reserve, holding two hearings on the management of the SPR on April 24, 2008 and on deploying oil from the SPR on July 23, 2008. Recommendations on management of the SPR are reflected above.

2. Saudi Nuclear Agreement

On May 16, 2008, the United States signed a Memorandum of Understanding (MOU) with Saudi Arabia that would provide for the nuclear energy cooperation between the two countries. The MOU states, in part, that "participants intend to cooperate, subject to their respective national laws, in the areas of: development of mutually acceptable requirements for appropriately-sized light water reactors and fuel service arrangements for the Kingdom of Saudi Arabia; promoting the establishment of arrangements that would allow future civilian light water nuclear reactors deployed in the Kingdom of Saudi Arabia access to reliable nuclear fuel supplies and services; development of the Kingdom of Saudi Arabia's civilian nuclear energy use in a manner that contributes to global efforts to prevent nuclear energy proliferation."

During a May 22, 2008 Select Committee oversight hearing, Chairman Markey questioned Secretary Bodman about the need to provide nuclear power to Saudi Arabia, given that it has the world's largest oil reserves and huge potential for solar electricity generation. Chairman Markey noted that facilitating the development of nuclear technology in Saudi Arabia makes little sense given the volatility of the region and the country's massive solar energy potential and natural gas resources. Astonishingly, Secretary Bodman testified that he was not involved in the formulation or negotiation of the agreement. Following the hearing, Chairman Markey introduced H.R. 6298, which would prevent the United States from entering into any further nuclear agreements with Saudi Arabia and to ban any U.S. exports of any nuclear materials, equipment or technology to Saudi Arabia.

D. DEPARTMENT OF INTERIOR—ENDANGERED POLAR BEARS AND CHUKCHI SEA OIL AND GAS LEASING

The Bush Administration delayed a decision whether to list the polar bear under the Endangered Species Act until after it had completed an oil and gas lease sale in essential polar bear habitat off the coast of Alaska.

Polar bears depend on sea ice for nearly every aspect of life, including hunting Arctic ringed seals, which serve as their primary food. Arctic sea ice is already being affected by global warming. According to a study earlier this year by scientists from the National Center for Atmospheric Research (NCAR), the Arctic Ocean could be devoid of ice as early as 2040. Furthermore, in re-analyzing arctic sea ice data, NASA scientist Jay Zwally projected that the Arctic Ocean could be ice-free as early as the summer of 2012. At a briefing held by the Select Committee on the warming Arctic on September 25, 2007, Members heard from former Interior Department official Deborah Williams who spoke of how Alaska has warmed at four times the rate of the rest of the globe over the last 50 years.[411]

The United States has two polar bear populations, both in Alaska—the southern Beaufort Sea population and the Chukchi and Bering Seas population. There is significant overlap between these two populations in the western Beaufort and eastern Chukchi Sea. According to the Fish and Wildlife Service, both of these population stocks are currently in decline. The southern Beaufort Sea population has been estimated at roughly 1,500 bears and is believed to be declining. An accurate assessment of polar bear populations for the Chukchi and Bering Seas population does not exist, but it is thought that this population consists of approximately 2,000 bears and is also declining.[412]

The Bush Administration's own scientists project that the prospects for the polar bear's survival are bleak. Last year, Dr. Steven Amstrup, the government's leading polar bear scientist, headed up a team of scientists charged with examining the impacts of sea ice loss on polar bear populations. In a series of reports released last fall, Dr. Amstrup's team concluded that by mid-century, two-thirds of all the world's polar bears could disappear and that polar bears could be

[411] Briefing hosted by the Select Committee on Energy Independence and Global Warming entitled "Briefing on the Melting Arctic: Global Warming's Impacts on the Polar Region," Sept. 25, 2007.
[412] U.S. Fish and Wildlife Service, Marine Mammals Management, Polar Bear: Conservation Issues, at http://alaska.fws.gov/fisheries/mmm/polarbear/issues.htm (last visited Oct. 20, 2008).

gone entirely from Alaska. Dr. Amstrup's team also noted that based on recent observations, this dire assessment could actually be conservative.[413]

Despite the mounting scientific evidence that global warming endangers polar bears, the Bush Administration manipulated the process for listing under the Endangered Species Act to facilitate oil and gas leasing in the Chukchi Sea, an essential habitat area for polar bears. In September 2005, the Department of Interior's Minerals Management Service (MMS) had announced its intent to prepare an Environmental Impact Statement (EIS) for a lease sale in the Chukchi Sea Outer Continental Shelf planning area. Lease sale 193 would cover nearly 30 million acres in the Chukchi Sea.

On January 9, 2007, the Fish and Wildlife Service published a proposed rule to list the polar bear as threatened under the Endangered Species Act. However, the Service found that the designation of critical habitat was "not determinable."[414] The Secretary is required to make a designation of critical habitat "concurrently" with the determination to list a species under the Act unless the critical habitat for a species is "not then determinable."[415] The Interior Department chose at that time not to designate critical habitat for the polar bear, which likely would have included areas in the Chukchi Sea.

The MMS published its final EIS for the Chukchi Sea lease sale in June 2007, which concluded that polar bears would be extremely vulnerable to a potential oil spill in the Arctic Ocean, especially at certain times of year. "Oil spills have the greatest potential for affecting polar bears in part due to the difficulties involved in cleaning up spills in remote areas, given the wide variety of possible (sea) ice conditions in the Chukchi Sea."[416] In addition, despite referring to a large oil spill as an "unlikely event," the MMS estimates in the EIS that there is a 33-51 percent chance that an oil spill greater than or equal to 1,000 barrels will occur in offshore waters as a result of oil and gas activities.[417] In response to the draft EIS, EPA had submitted comments questioning MMS' assessment of the risk of an oil spill, stating that "the actual likelihood that a large oil spill would occur and significantly impact high-value resources should be considered much greater." EPA also suggested that the MMS assessment of the cumulative impact of oil and gas activities in northern Alaska was inadequate. However, it appears that MMS failed to address EPA's comments in the final EIS.

On January 2, 2008, MMS published its final notice of sale for the Chukchi Sea lease sale. The Endangered Species Act requires that the Secretary make a final determination as to whether a species warrants listing under the act within one year of the date of publication of the proposed rule. However, on January 7, 2008, Fish and Wildlife Director Dale Hall announced that the Service would miss its statutorily required deadline of January 9, 2008 for issuing a final

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[413] U.S. Geological Survey, New Polar Bear Finding, at http://www.usgs.gov/newsroom/special/polar_bears/ (last visited Oct. 20, 2008).
[414] U.S. Fish and Wildlife Service, Endangered and Threatened Wildlife and Plants; 12-Month Petition Finding and Proposed Rule To List the Polar Bear (Ursus maritimus) as Threatened Throughout Its Range; Proposed Rule72 Fed. Reg. 1096, 1097 (Jan. 9, 2007).
[415] 16 U.S.C. Sec. 1533(6)(C)(ii).
[416] Minerals Management Service, Chukchi Sea Planning Area Oil and Gas Lease Sale 193, Final Environmental Impact Statement at II-38 (May 2007).
[417] Id. at ES-4.

listing decision for the polar bear.

Because the Bush Administration appeared to be delaying the Endangered Species Act listing decision for the polar bear until after it had held the Chukchi oil lease sale in polar bear habitat, the Select Committee held a hearing on January 17, 2008, entitled "On Thin Ice: the Future of the Polar Bear." This was the first Congressional hearing looking at the implications of the timing of these two critical decisions within the Interior Department. The Select Committee received testimony from the directors of MMS (the Interior Department agency responsible for conducting the Chukchi Sea oil lease sale) and the Fish and Wildlife Service (the agency responsible for listing the polar bear). During the hearing, Chairman Markey questioned the two directors whether the Secretary of the Interior could and should step in to delay the oil lease sale until after a decision on whether and how to protect the polar bear was made. Former Fish and Wildlife Service Director Jamie Rappaport Clark testified in support of the Secretary making the polar bear listing decision before going ahead with the lease sale, stating, "On the one hand [the Secretary] has an obvious statutory responsibility to make a decision based on the best science available, whether or not the polar bear deserves the protection of the Endangered Species Act. On the other hand, he has a somewhat discretionary decision on timing of oil and gas leasing in the Chukchi, very different decisions."[418]

Following the hearing, Chairman Markey introduced H.R. 5058, a bill which would delay the Chukchi Lease sale and related drilling activities until after the Fish and Wildlife Service had made a decision on whether or not to list the polar bear.

The Interior Department conducted the Chukchi Lease sale as scheduled on February 6, 2008. Subsequently, on May 15, 2008, the Fish and Wildlife Service issued a final rule listing the polar bear as "threatened" under the Endangered Species Act. However, in listing the polar bear as threatened, the Service left a loophole to allow oil and gas activities to continue in Alaska, which are contributing to the loss of the polar bear's Arctic habitat. Specifically, when issuing the "threatened" listing, the Administration simultaneously issued an interim final rule for the polar bear under section 4(d) of the ESA. This so-called "4(d) rule" was used to allow oil and gas activities to continue in Alaska as long as companies comply with existing regulations under the Marine Mammal Protection Act.

On October 6, 2008, in a settlement of litigation brought by environmental groups, the Fish and Wildlife Service reversed it earlier decision not to designate critical for polar bears. The settlement sets a deadline of June 30, 2010, for issuance of a final rule designating critical habitat.

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Recommendations: The 111th Congress and the next Administration should prioritize the following actions:

- **Close Endangered Species Act Loophole:** The Department of Interior must close the regulatory loophole in the polar bear listing that allows for oil and gas activities to proceed unchecked in essential polar bear habitat off the coast of Alaska.

[418] Id at 96-97.

- **Oversee Critical Habitat Designation:** Congress should provide oversight to ensure that the Department of Interior moves expeditiously to designate critical habitat for the polar bear.

E. EPA AND FEDERAL TRADE COMMISSION—OVERSIGHT OF THE VOLUNTARY CARBON OFFSET MARKET

In July 2007, the Select Committee held a hearing entitled "Voluntary Carbon Offsets: Getting What You Pay For," at which it examined the voluntary carbon offset market. Carbon offsets are based on the notion that individuals or companies can neutralize the greenhouse gas emissions attributable to some or all of their activities by supporting projects that either reduce emissions elsewhere or enhance biological sequestration of carbon. Common examples of offset projects include capturing and flaring of methane emissions from landfills or farm animal waste, substituting renewable electricity generation for conventional fossil fuel-based generation, undertaking energy efficiency improvements, and reforestation or no-till agricultural practices intended to increase sequestration of carbon in trees or soils.

Recently, a growing number of companies have begun to sell carbon offsets— intangible commodities representing the greenhouse gas reductions purportedly achieved by offset projects—both at retail to consumers and at wholesale to companies and other large-scale buyers. The voluntary offset market is growing dramatically. In the United States, there are now over 30 companies selling offsets at retail prices ranging from $5 to over $50 per ton of CO_2 equivalent. The value of the global voluntary offset market is estimated to be well over $100 million annually, and experts project that it easily could grow to several hundred million dollars annually in the foreseeable future.

Although few would contend that this voluntary market is likely to yield greenhouse gas reductions on a large enough scale to put a real dent in rising global emissions, it has the potential to make a nontrivial contribution. Perhaps more important, many believe this market provides a potentially important avenue for educating the public about global warming and giving citizens a sense of participation in addressing climate change. Notwithstanding its promise, the voluntary offset market has become a source of growing controversy. Some of this controversy centers on the debate over whether offsets are being used as a convenient excuse to avoid changes in behavior that could directly (and perhaps more significantly) reduce emissions. More important, however, have been a number of reports raising doubts as to whether consumers are really getting what they pay for when they buy offsets—that is, whether offsets actually represent real and permanent reductions. This problem is exacerbated by the fact that the voluntary offset market is unregulated and many offset providers do not give consumers adequate information about their projects or accounting methods. Consumers may be unaware of the complex accounting issues relating to offsets, and may have little idea of whether and how the provider has addressed these issues. Voluntary standards have proliferated, but there has been little or no government oversight.

Following the July 2007 hearing, Chairman Markey wrote to Chairman Deborah Platt Majoras of the Federal Trade Commission (FTC), urging the FTC to undertake a public process

designed to update its Guides for the Use of Environmental Marketing Claims (the so-called "green guides") to address voluntary carbon offsets—with the objective of preventing unfair or deceptive conduct in this market and assuring consumer confidence. Subsequently, Chairman Markey wrote to EPA Administrator Stephen Johnson, requesting that EPA take a leadership role in helping to develop standards governing the voluntary offset market and that it assist the FTC in implementing its mandate to protect consumers against unfair or deceptive trade practices. The FTC responded by agreeing to hold a series of public workshops on the voluntary carbon offset market, in preparation for the revision of its green guides. EPA, for its part, agreed to assist the FTC as well as to continue its own efforts to develop offset standards through its Climate Leaders program.

F. DEPARTMENT OF STATE

1. Hunt Oil

In September 2007, it was revealed that Hunt Oil Company and Kurdistan's regional government had signed a production-sharing contract for petroleum exploration in the Kurdistan region of northern Iraq. Both the U.S. State Department and the Iraqi Oil minister expressed alarm that the contract damaged the ongoing negotiations to create a national Iraqi oil revenue law.

Chairman Markey on October 2 and October 12, 2007, sent letters to Secretary of State Condoleezza Rice requesting a timeline of events surrounding the Hunt Oil contract and questioning the role of the Department of State in this episode. Chairman Markey expressed concern that Ray Hunt, CEO of Hunt Oil and a major fundraiser for President Bush, may have used his membership on the influential President's Foreign Intelligence Advisory Board to work with the Kurdistan government, or that Hunt's close ties with the Bush Administration had lent legitimacy to a practice that U.S. and Iraqi officials criticized.

On October 18, 2007, the State Department replied that Hunt Oil provided prior notice to the U.S. government of its intentions to sign an oil contract with the Kurdistan Regional Government, and that State Department officials told Hunt Oil that its company would "incur significant political and legal risk by signing contracts with any party before the Hydrocarbon Framework Law is passed by the Iraqi Parliament and that signature of such contracts would needlessly elevate tensions between the KRG [Kurdistan Regional Government] and the Government of Iraq." The State Department noted that the Hunt Oil contract negotiation "is not helpful" given that it "complicates negotiations" for the Hydrocarbon Framework Law.

The State Department refused to answer questions regarding Mr. Hunt's dual role as both President of Hunt Oil and also a senior foreign intelligence advisor to the President of the United States. Mr. Markey wrote to the White House on October 19, 2007 to ask when the White House knew of Hunt Oil's activities in Iraq, what mechanisms are in place to ensure that PFIAB members do not use classified information for personal gain or bias their advice on intelligence matters in light of their business interests, and how the White House will respond to other private companies who might pursue oil drilling rights in Iraq prior to the Iraqi government establishing an oil sharing agreement. The White House did not respond to this inquiry.

2. Human Rights

In recognition of the growing humanitarian impacts of climate change, the United Nations Human Rights Council—of which the United States is not a member—was presented with a resolution directing the UN High Commissioner for Human Rights to conduct a study of the impacts of climate change on human rights and encouraging UN members to contribute to the study. In response, Chairman Markey wrote a letter to State Department Undersecretary Paula Dobriansky, challenging the State Department to determine whether climate change would impact human rights, and whether this would create threats to our national security. Undersecretary Dobriansky responded that the State Department does not consider there to be any "direct formal relationship between" climate change and human rights, but acknowledges that protection of the environment "may further the realization of certain human rights." She noted further that the United States had "participated constructively" in informal negotiations on the resolution discussed above. The UN Human Rights Council ultimately adopted the resolution by consensus on March 28, 2008.[419]

G. CENTERS FOR DISEASE CONTROL AND PREVENTION

There has long been broad agreement throughout the public health community that climate change poses a serious threat to public health both in the United States and around the world. However, when Centers for Disease Control (CDC) Director Dr. Julie Gerberding was asked to testify before the Senate Committee on Environment and Public Works in October 2007, the White House censored her testimony.[420] She was prevented from stating what CDC's own scientists, other public health researchers, and the IPCC had concluded about climate change's impacts on health. In response, Chairman Markey wrote to Dr. Gerberding in December 2007 requesting her views on the threat to public health posed by global warming. In April 2008, the Select Committee held a hearing on public health and climate change, at which Dr. Howard Frumkin, Director of CDC's National Center on Environmental Health, testified. The Select Committee engaged in active oversight of the CDC testimony clearance process. At the hearing, Dr. Frumkin was able to clearly state what had been removed from Dr. Gerberding's testimony: "The CDC considers climate change a serious public health concern." This was the first time during Congressional testimony that a federal agency official acknowledged climate change could have major consequences for human health.

[419] See United Nations Human Rights Council, Resolution 7/23, Human Rights and Climate Change (Mar. 28, 2008), available at http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_23.pdf.
[420] See, e.g., Juliet Eilperin, "Cheney's Staff Cut Testimony on Warming," Washington Post, July 9, 2008, at A1.