

**EPA-OGC Acceptance of ITSSD Request to
Withhold EPA FOIA Appeal Determination Pending
Review of New ITSSD NOAA FOIA Request
9/16/14**

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Subject: RE: FOIA Fee Waiver Appeal EPA-HQ-2014-008026 (APP-2014-009523)

RE: FOIA Fee Waiver Appeal EPA-HQ-2014-008026 (APP-2014-009523)

From: <lkogan@itssd.org> ([Add as Preferred Sender](#))

Date: Mon, Sep 22, 2014 3:57 pm

To: "Nguyen, Quoc" <Nguyen.Quoc@epa.gov>

Dear Quoc,

The ITSSD filed today a new IQA-focused FOIA Request with NOAA - FOIA Request No. *DOC-NOAA-2014-001694*.

As discussed by phone last week, this new FOIA Request contains new information that is material and relevant to the ITSSD Appeal of EPA's denial of its prior fee waiver request now before you for consideration.

In particular, this new FOIA Request establishes how a critical link in the chain of evidence that EPA used as the scientific foundation for its 2009 CAA Section 202(a) GHG Endangerment Findings (and which EPA has since used as the scientific foundation for its tailpipe regulations, new energy plant performance standards and new existing power plant rule) had failed to satisfy the IQA's most rigorous and least discretionary objectivity, independence and conflicts-of-interest standards applicable to "highly influential scientific assessments" ("HISAs") and "influential scientific information" ("ISI").

This FOIA contains 44 appendices and other evidence of pervasive institutional conflicts-of-interest, subject matter bias and lack of intellectual independence among selected peer review panel members that severely compromised the IQA compliance of ten NOAA-developed climate assessments that had been peer reviewed by NOAA, the USGCRP/CCSP and the National Research Council of the National Academy of Sciences.

Please See:

<http://nebula.wsimg.com/86e0c3d9f0c18e77b33e25d935498bcc?AccessKeyId=39A2DC689E4CA87C906D&disposition=0&alloworigin=1>.

The IQA-non-conformance of NOAA's the USGCRP/CCSP's and NAS/NRC's peer reviews of the ten (10) NOAA-developed climate assessments directly and indirectly designated as "core reference documents" in the EPA-TSD accompanying the Administrator's CAA Section 202(a) GHG Endangerment Findings precluded EPA from using such studies as the basis

for those Findings. This result obtains, consistent with OMB and EPA IQA guidelines, because of EPA's failure to validate the IQA conformance of *inter alia* NOAA peer review processes and procedures - which relates to the Category #2 obligation set forth in ITSSD's June 30 FOIA Request.

ITSSD's dissemination of the requested agency records, once released by EPA, and compiled, edited, analyzed, and explained by ITSSD and its Board of Advisors, will contribute significantly to public understanding of these government operations and activities, and also will contribute significantly to the public's awareness of the mutually reinforcing and financially and reputationally rewarding relationships that existed between the agencies, agency scientists, universities and nonprofit institutes, scientists affiliated with universities and nonprofit institutes and the members of the peer review panels, report review committees oversight boards and committees of the National Research Council of the National Academy of Sciences.

In other words, ITSSD's dissemination of the requested records in a cohesive, comprehensive and understandable manner will contribute significantly to the public's understanding of the pervasive conflicts-of-interest, subject matter bias, and lack of intellectual independence that characterized NOAA and EPA's peer review of such assessments.

ITSSD trusts that you will take this new relevant and material information into account with respect to your offices' determination of our appeal.

Please do not hesitate to contact me should you have any questions or comments.

Very truly yours,

Lawrence Kogan

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Subject:	FOIA Fee Waiver Appeal EPA-HQ-2014-008026 (APP-2014-009523)		
From:	FOIA Fee Waiver Appeal EPA-HQ-2014-008026 (APP-2014-009523) "Nguyen, Quoc" < Nguyen.Quoc@epa.gov > (Add as Preferred Sender)		

:
Date: Tue, Sep 16, 2014 4:02 pm
To: "lkogan@itssd.org" <lkogan@itssd.org>

Dear Mr. Kogan:

As we discussed on the phone, you will email me a copy of a new FOIA request to NOAA by September 19, 2014. The EPA will provide its final determination on your fee waiver appeal EPA-HQ-2014-008026 (APP-2014-009523) by September 26, 2014.

Sincerely,
Quoc

Quoc P. Nguyen
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